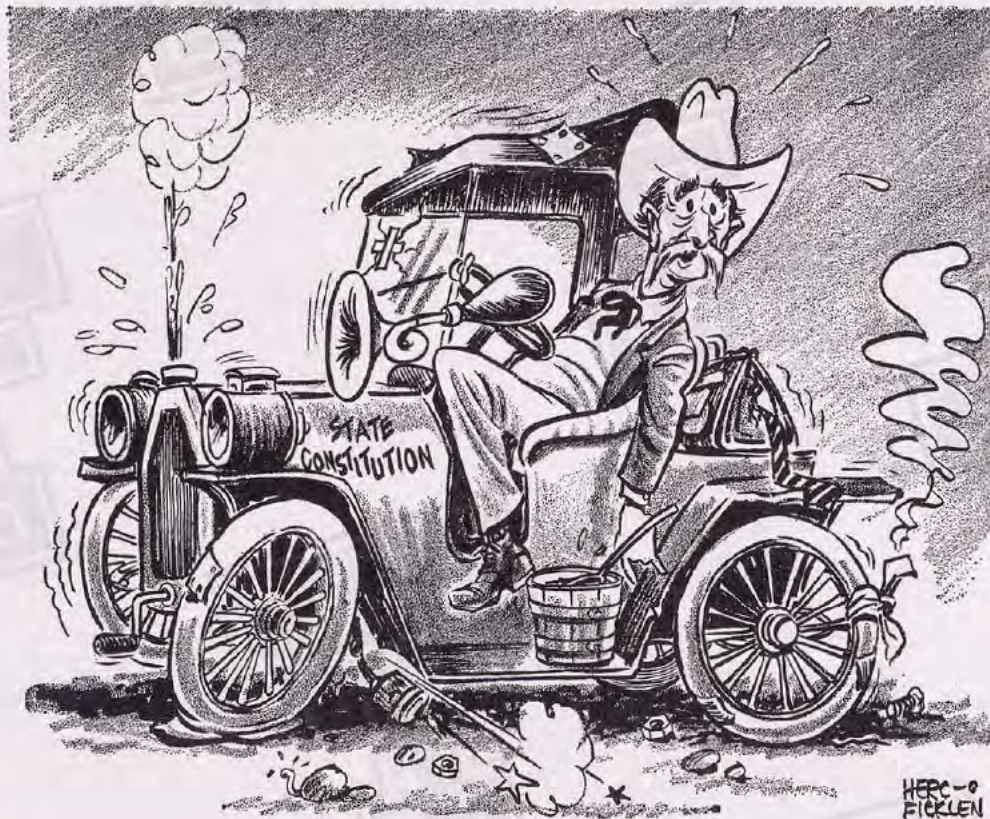


# Constitutional Revision -

## Editorial and Cartoon Comments

**WILL IT MAKE IT IN A SPACE AGE?**

By HERC FICKLEN  
Dallas News Staff Cartoonist



## Patches Can't Correct Flaws In Constitution

Will the increasing number of amendments that changing conditions are requiring in the Texas Constitution bolster the now weak movement to get a complete revision, and simplification, of the state's fundamental law? It may, we think, if popular resentment builds up against long, confusing ballots sufficiently to cause voter rejection of changes essential to keep state government up to date.

The Texas Constitution has been amended 158 times since 1876 — averaging two amendments a year — in contrast to only 23 amendments to the federal Constitution since 1789. And the pace has been accelerating with the pace of change in our society in recent years.

The 57th Legislature in 1961 set a new record with 14 amendment proposals submitted to the voters, who approved 10. The 58th Legislature in 1963 dropped back to seven submitted with four adopted. But the prospect now is for another new record, with the 59th Legislature expected to submit between 20 and 30 amendment proposals to the people.

It is already evident, to us at least, that the Texas Legislative Council erred in deciding after a study four years ago that our state Constitution is sound and that periodic patching will be adequate to

accommodate it to changing conditions. It is not sound, and popular resistance to multiple amendments may compel its revision.

The basic flaw of the Texas Constitution is not that it was designed for an agrarian society that no longer exists; so was the federal Constitution. Its basic flaw is that it was not confined to fundamental law, which could be adapted to changing times by judicial review and statutory implementation, as the federal Constitution has been.

The bulk of the Texas Constitution, with amendments, consists of provisions that should be in statutory law that could be changed by legislative discretion. And if we believe in representative government, we should be willing to trust the Legislature to handle details that have no proper place in fundamental law.

The prospect is for continuing acceleration of change in our society and increasing need for corresponding change in state law and intergovernmental relations. And it is foreseeable that the pace of change is likely to outrun what can be coped with by the cumbersome constitutional amendment process. When and if that happens, the pressure for constitutional remodeling may well overwhelm the now powerful elements of resistance to that sensible and principled reform.



## WOMEN VOTERS CONCERNED

# Constitutional Changes Costly

THE UPCOMING flood of proposed amendments to the State Constitution is being used with great enthusiasm by the League of Women Voters of Texas in its continuing campaign for a complete overhaul of the unwieldy document.

Prompted by public notice publication of 11 of the proposals in the *Avalanche-Journal*, Mrs. Ann Burbridge, president of the League in Lubbock, has supplied an up-to-date summary of the organization's views.

The high cost of the amending process is stressed. One will be submitted to the voters on September 6, ten on November 2 and sixteen in the Fall election of 1966. At approximately \$20,000 each, which includes the public notices and election expenses, the 27 amendments "that the 59th Legislature has felt necessary in order that the State of Texas may meet the present needs of its citizens" will cost more than \$500,000, Mrs. Burbridge notes.

She reminds that the Texas Legislative Council Report on the 27 proposals includes this: since 1876 the number of proposed amendments has been 266, of which 158 have been adopted in contrast with the U. S. Constitution of 1789, which has been amended only 24 times.

"Is this not a striking example of the need for revision of our Constitution in addition to the financial burden of the great cost of these continuous amendments as a method of trying to keep our State Government abreast of the times?", Mrs. Burbridge writes.

"We regret that the recent session of the Legislature failed to take action on legislation that would have provided a study commission to develop research leading to over-all revision of the Texas Constitution. Texas has

grown so rapidly from a rural to an urban population and from an agricultural to an industrial economy that our restrictive and limited State Government can no longer adequately cope with the resulting complex problems."

The League also contends that "the failure of some State governments to meet the needs of their people has done more than anything else to bring about expanding Federal influence." It also believes that voter apathy has been the stumbling block for the revision which it has been working for during the past 13 years.

If apathy has marked their attitude toward revision, confusion has been the reaction of too many voters toward amendments down through the years. This is particularly true of local bills as distinguished from Statewide issues which can stir up emotional response. The only time the question of holding a constitutional convention has been submitted to the voters, back in 1919, the idea was rejected by a vote of 71,376 to 23,549.

Undoubtedly the voting would be much closer now. No one seems to be happy with the patchwork Constitution, but there are two principal reasons for its perpetuation. Most members of the Legislature and most State officials back off from the monumental task of revision, with its inevitable disputes over such matters as reorganization of the executive branch of the State Government. And then there's the old Texas tradition of letting the voters decide just about everything, which has both good and bad points.

That's the way the original framers wanted it. There are signs that a pretty fair chance of upsetting them will come along with the 60th Legislature in 1967. The League of Women Voters is getting ready.

# Acute need for new Constitution

Texas voters Tuesday slapped a few more bandages on the state Constitution, a document longer than a Victorian novel and just about as timely.

They will face the same task next November, when 16 more amendments will be on the ballot in an expensive state-wide election.

Some of the issues Tuesday were of long-range significance to the state, particularly those amendments lengthening the terms of state officials, and may have justified a special election.

Others were important. But a state system of college scholarships or a vote on continued participation in federal medical aid programs for the aged should not require a fundamental constitutional change.

Chronicle Austin Bureau Chief Bo Byers has called constitutional revision "a dull subject, having only to do with how to make the democratic form of government do the best job for the most citizens."

The present Constitution was written by country-oriented people who wanted to guard against centralized political power. Their fears have made state government weak at a time when states face a serious jurisdictional problem in the allocation and administration of millions of federal dollars.

Gov. John Connally and his staff

are seeking a system to insure that the state not only qualifies for needed funds, but also coordinates planning to avoid conflicts between population centers and between city and county governments.

Metropolitan growth has forced government to experiment, to innovate, to test and to plan. State government shackled with limitations almost 100 years old cannot perform those tasks with efficiency.

Texas is not alone in the problem of constitutional review.

About half of the states are conducting, or have recently finished, action on constitutional revision.

The governor called for constitutional revision in his first term; he ignored it last session.

A new movement for revision could start with the state-wide study of city-county-state problems by the Texas Research League in Austin.

It could start with the larger big city delegations to the next Legislature.

It should start somewhere, and soon, for too long our Constitution has forced voters to be preoccupied with trivia, and left them unable to cope with the broad currents of change which are remolding our society.

## THE HOUSTON CHRONICLE

November 3, 1965



League of Women Voters of Texas

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## LUBBOCK AVALANCHE-JOURNAL

August 20, 1965



# Tech Professor Leading Fight For Revision Of Texas Constitution

## Dr. Davis Is Convinced Uphill Battle In Offing

(EDITOR'S NOTE: Following is an article on efforts to bring about a revision of the Texas Constitution. The efforts have run into many roadblocks and detours down through the years. In the following article, as related by Dr. J. William Davis, professor and government department head at Texas Tech, some of the background to the revision fight are detailed. The article was prepared by Freda McVay of the Texas Tech Information office staff.)

It may not be a glamorous, headline-catching fight, but there's a continuing, bitter struggle going on in Texas right now which has produced a long series of charges and counter-charges—and more than a few unanswered questions.

At issue is revision of the Texas Constitution.

One of the leaders in the fight is Texas Tech's Dr. J. William Davis, a firm believer in the policy of hammering away at what he believes is archaism, suspicion and economic waste which has increasingly stifled and imprisoned governmental functions under the Texas Constitution for almost 90 years.

### Known In Athletics

Dr. Davis, professor and government department head at Tech, is more widely known in his own field of government education, as well as in athletic circles. As chairman of Tech's athletic committee, Dr. Davis was instrumental in getting Tech admitted to the Southwest Conference. He then worked on the idea of improving the letters of intent for the athletes in the Southwest Conference, and is continuing successful pursuit of this goal on a nationwide basis.

Less well known is that Dr. Davis has also concentrated his efforts for several years on the revision of the Texas Constitution, and has been an outspoken advocate of reform and improvement in state government.

Dr. Davis is firmly convinced that this uphill battle may well be Texas' most important struggle politically, since the Alamo; but the path to progress has been plagued with obstacles, heavy with disappointments and shrouded with intrigue.

In almost every respect, the battle for constitution revision in Texas has been puzzling, perplexing, paradoxical and generally frustrating, Dr. Davis feels.

### Recommendations Opposed

But the most mysterious story of all in connection with this subject is the one which Dr. Davis likes to call "The Abortion of Texas Constitution Revision," concerning two groups set up simultaneously to study the problem and work together toward recommendations for revision. Dr. Davis was a member of both groups, the

Citizen's Advisory Committee and the research staff of the Legislative Council.

The story is full of ironies, Dr. Davis points out:

The reports of the two groups came out in direct contradiction. Using the same information, the same research and in some cases the same persons, the Legislative Council and Citizens Advisory Committee made diametrically opposed final recommendations, Dr. Davis says!

Also, the \$50,000 appropriated by the Legislature for research to determine how the constitution should be revised, was finally used to publish three volumes "proving the excellence" of the present constitution and denying the need for revision.

And in several cases the recommendations and research by individuals on specific sections of the constitution were so altered as to make it unrecognizable after its submission to the Legislative Council, Dr. Davis claims.

Dr. Davis is extremely curious about these strange results. He and many others are asking in surprise and shock, "How could this have happened?"

While all of the current textbooks on Texas government contain brief but ambiguous summaries of the recent movement for revision, the real conclusion to the story has not been told. Textbook writers have been left only the formal pronouncement of the Legislative Council and the almost unnoticed recommendations of the Citizen's Advisory Committee.

As an active member of both



**PONDERS PUZZLE**—Texas Tech's Dr. J. William Davis, professor and head of the government department, pauses in his work on a study of the Texas Constitution revision movement to reflect on the series of events which ultimately led to the failure of the most recent revision attempts. Dr. Davis is currently working on at least two projects relating to Texas' outdated Constitution, in the hopes of attaining a change in the document, if not a new Constitution altogether. (Tech Photo)

groups, Dr. Davis describes the sequence of events as follows:

"On May 23, 1957 Gov. Price Daniel signed House Concurrent Resolution No. 13, which pointed out the need for a study of the Texas Constitution, with a view toward revision, and designating the two groups to be involved with the study.

### Council Set Up

"The Texas Legislative Council was charged specifically with the research and reporting, and the Citizen's Advisory Committee was designated to advise with the council and keep in touch with its research progress. In addition it was directed to recommend to the Legislature and to the people of Texas the character of and the method to be used in effecting the revision of the Constitution of Texas.

"An Interim report was to be made by both groups to the 56th Legislature (1959) and the final report to the 57th Legislature (1961).

"The Citizen's Advisory Committee was appointed, six members by the governor, six by the lieutenant governor and six by the speaker of the House. The Legis-

lative Council appointed a study committee from its membership consisting of three representatives and two senators. The professional staff of the council was directed to proceed with the study within the limits of funds and staff.

"It was agreed at the first meeting of the two groups that they would cooperate closely, keeping each other constantly informed of their work, and that consultation should take place on all moves toward the accomplishment of the purposes of the resolution.

"Optimism was running high in 1958 as the Advisory Committee, along with most of the members of the Legislative Council study committee and council staff, seemed in agreement on the need for rather substantial revision of the constitution.

"Early in 1959 the Advisory Committee approved the final draft of the interim report and submitted it to the Legislature, which in turn appropriated the \$50,000 for the study of revision, with control of the expenditures placed in the hands of the Legislative Council's study committee. "For some reason there was



considerable delay in 'getting organized' after the appropriation was made. Eventually, a research director was employed and a joint meeting was held in 1960.

#### Research Effort Shifts

"The research director indicated that some task forces or study committees had been set up and were at work. An article by article, section by section analysis of the constitution was to be undertaken. The report of the director was generally commended and success at last seemed eminent.

"Then something happened. So far, no one has been able to pin down the source, or exactly describe the result — but suddenly the entire research effort was directed toward denying the need for revision.

"What happened? From somewhere the orders came that the constitution was not to be revised, and the study and research should furnish the proof. In this manner, no one in a prominent position would be in the position of opposing revision. Instead the 'condemnation' would be made by a nameless, anonymous group whose word could not be challenged since it carried the magic title of 'research'."

#### MORE

This "new approach" was evidently used, even when the research did not bear out this desired result, Dr. Davis feels.

#### Project Not Encouraged

For instance, as an acknowledged expert on constitutional law, with particular authority in the field of the Texas Constitution, Dr. Davis was requested to do research on Article XI of the Constitution, dealing with municipal corporations. At the same time, another Tech faculty member, Dr. William E. Oden, associate professor of government, was asked to research Article IX.

The professors completed this chore and sent their reports to the council's research director. Simultaneously, they sent similar reports to Dr. John Claunch of Southern Methodist University, who had begun an independent survey on the Constitution without the direction or backing of the Legislative Council.

(Dr. Davis describes the Claunch project as "the best research that was done in pursuance of H.C.R. 13," and finds highly questionable the fact that the Legislative Council did little to encourage the project.)

Subsequently, the reports by Dr. Davis and Dr. Oden were published. The reports submitted to Dr. Claunch were reproduced in their correct forms — but the Legislative Council report bore absolutely no resemblance to Dr. Davis' or Dr. Oden's research!

#### Groups' Reports Conflict

Dr. Davis continues, "Ultimately, the study committee of the Legislative Council, apparently distorting the research so as to substantiate the decision against revision, made these specific rec-

ommendations to the Legislative Council, governor, lieutenant governor and speaker:

That no constitutional convention or commission for a general revision of the Constitution is needed or desirable at the present time; that 'despite its age and alleged deficiencies,' it is still overall a sound document and generally reflects the governmental philosophy of the people of Texas; that some parts (deadwood) could be eliminated; that some sections could be brought up to date; that a future study should be made of the judicial system; and that specific recommendations suggested by the research staff might be attained by constitutional amendment."

Conversely, the Citizen's Advisory Committee final report included:

(1) Reaffirmation of the committee's belief in the need for constitutional revision as set forth in the interim report of 1959;

(2) Removal of obsolete and repetitive materials and a better arrangement and organization (by amendment); and

(3) The creation of a Constitutional Revision Commission.

#### Two Measures Introduced

This commission would make a thorough analysis of the research director's final report, and other research on the Texas Constitution, then recommended to the Legislature the substance of the procedure for constitutional change.

After the reports had been received by the 57th Legislature, only two measures were introduced late in the session.

One, HJR 79, introduced by Miller of Houston and Latimer of Abilene, proposed a constitutional amendment to the amendment process, Article XVII. The object of the proposal was to permit amendments for the elimination of the "deadwood." Another, S. B. 470, introduced by Senators Schwartz of Galveston and Moffett of Chillicothe, proposed the creation of a Constitutional Revision Commission of 45 members, as the Advisory Council recommended.

Neither bill passed. And in addition, several members of the Legislature feel that there is no likelihood in the foreseeable future of any further action on constitutional revision.

#### League In Favor

One staunch supporter of revision, Rep. Reed Quilliam of Lubbock, is among those who are puzzled, and pessimistic about getting legislation passed for revision, at least in the near future.

"If the public does not demand a change, there just won't be anything done," Quilliam said, "and the issue of revision of the Constitution will die the slow death of public apathy."

In the event of the outbreak of widespread public interest, Quilliam favors the constitutional convention method of revision, with

delegates elected expressly for that purpose. Political office holders would be ineligible to be delegates under Quilliam's plan.

Another powerful supporter of revision is the Texas League of Women Voters, well-known for its non-partisanship in politics.

The league, locally and on a statewide basis, also favors a constitutional convention, and has spent years advocating reform in this area, bringing pressure on the Legislature whenever possible, and conducting reliable polls to prove their contentions. Fortunately for revisionists — and unfortunately for revision opponents — temporary failure or discouragements seem only to add impetus to league efforts and enthusiasm in this area.

Another irony, in a story that has almost as many unusual features as the Texas Constitution has amendments, is that all of the polls taken by the league and others show overwhelming disapproval of the Constitution by the general public in all walks of life!

For instance, a survey conducted in 25 communities in Texas in February, 1961, by the League showed a whopping 74.1 per cent expressing dissatisfaction with the present document. Only 6.3 per cent thought it was adequate and effective; and 17.3 per cent held no opinion. Complete revision was called for by 61.1 per cent of those expressing dissatisfaction.

Then why is revision not accomplished?

#### A Fear Of Change

Dr. Davis believes that there are several reasons: First and foremost, there is fear, which enters into most of the other reasons. Fear of change, fear of the unknown, fear of losing the advantages of the status quo and fear of democracy itself, all of which either knowingly or unknowingly influence the thinking of some.

Secondly, lack of interest by the average Texan and also among some of the leaders, plays its part, Dr. Davis says. The small hard core of positivists currently concerned with the program consists chiefly of the members of the League of Women Voters, "mild positivists" in the legal profession and government professors, such as Dr. Davis, and most other professors of political science. The rank and file of citizens of the state will tend to wait until a real crisis develops before working up any interest.

#### Interest Groups Opposed

Also, vested interest groups and those who represent them as lobbyists generally oppose taking a chance on change, even where the possibility is remote that they might receive a less favorable provision in a new Constitution.

Finally, the status quo attitude always holds up a heavy hand against change. "What was good enough for our fathers is good

enough for me," is a statement which is frequently heard — even where the situation has changed radically from that time.

But all this is not to say that any of the revision proponents are "giving up." To them it simply means that more work has to be done, in arousing public sympathy and action; in electing more legislators with favorable viewpoints on revision; and in bringing pressure to bear on elected officials to "revive revision."

Dr. Davis has two current projects concerning the Texas Constitution.

One of these is the writing of a new article on local governments, in collaboration with Dr. Oden. This article, with annotations and explanations is being drafted by Dr. Davis and Dr. Oden in the hope that it might be submitted as a constitutional amendment to replace the "incomplete and scattered references to that subject" in the present Constitution.

"The amendment would be a final effort to perhaps get some piece-meal revision of the Constitution in the light of the failure to achieve any semblance of wholesale revision," Dr. Davis says.

#### System Is Costly

Another project, perhaps the main one, is a study Dr. Davis is preparing, and which may be assembled in book form. It includes a description and narrative of "the rise and decline of the movement for Texas Constitutional Revision," as previously described, and an analysis of the currently in-use Constitution of 1876, to "fix the blame" for its deplorable state.

Among the data Dr. Davis, the league and others have assembled are facts concerning the cost of elections and amendments; the "cluttering up" of the Constitution by amendments; and the difficulty of operating a mid-20th century government under the outdated Constitution of 1876.

Also, Dr. Davis reports, as the state has become urban and industrial, rather than rural and agrarian, and modern government has become more complex and expensive, constitutional revision is needed to effect more efficiency and economy in government operations.

Dr. Davis cites the complex of "special funds" in the Constitution as an example of inefficiency and economic waste.

"Frequently, we have some funds in the 'red' and others with a surplus, rather than being able to maintain a budget balance of revenue and spending," he added.

Dr. Davis is dedicated to the proposition that it costs Texas taxpayers thousands of dollars a year in amendments, special elections and maintenance of a government that is still trying to operate under the conditions of 1876.



*League of Women Voters of Texas*  
612 NORTH 10TH STREET • WACO, TEXAS

October 1965

Speech made by Mr. Bo Byers to the League of Women Voters of Houston, Sept. 10/65.

C.R.Y.

You asked for it this morning, and you're going to get it--my opinion on the outlook for revision of the Texas Constitution and possible effective approaches to bring about this revision.

To get in the proper mood for serious discussion of this important issue, I gave a title to this talk. It is a title I believe you might convert into a campaign slogan as you push for constitutional revision.

The title makes use of three letters of the alphabet--at the risk of raising cries of "subversive" from those who view alphabetic designations as evidence of federal intrusion.

The three letters are: C, R, Y.

That stands for a distinctly Southern-style slogan--"Constitutional Revision, You-all."

How are we going to make C.R.Y. a reality?

Before looking at possible answers to that question, let me talk for a few minutes about some straws in the wind--straws that seem to portend at least the possibility that Texans will enjoy the benefits of a new state constitution within the next 10 years.

Ten years may sound like a long time to wait. It is, but in light of the fact that Texas has struggled along under its present constitution for almost 90 years, I think it is realistic to hope that a new one can be developed and approved by the people within the next decade.

Why do I anticipate culmination of the effort by 1975?

For these reasons:

First, the U. S. Supreme Court's "one man, one vote" decision--unless derailed by Dirksen--means people in the cities are going to have the opportunity for a voice in state legislative affairs proportionate to their numbers in the state.

(Notice I said they will have the opportunity for such a voice, which is slightly different from saying they will have a voice.)

Second, the build-up in pressures on cities and counties to solve increasingly difficult problems resulting from urbanization, industrialization, and demoralization of society is going to be an incentive for legislators from the urban areas to consider constitutional reform.



Third, the 1970 census will result inevitably in a still greater concentration of legislative strength in the metropolitan areas. This strength will be realized in the 1973 legislature, based on reapportionment in 1971 and the subsequent elections of 1972.

Four, with the acquisition of majority control of the legislative vote by legislators from nine or ten of the state's largest cities in 1973, sentiment in the metropolitan areas by then should be ripe for a new constitution to replace the present, clearly rural-oriented constitution.

Assuming my thesis proves correct, the 1973 legislature might well submit the proposition of a constitutional convention to a vote of the people, or might establish a constitutional commission.

Should either of these events come about, a modern state constitution could be ready for use by 1975. This pre-supposes, of course, the groundwork having been done to promote public support for a new constitution.

The League of Women Voters, more than any other organization, has been in the forefront of the demand for constitutional revision for nearly 20 years.

It is, therefore, with some hesitance that I venture to offer an answer to the question I posed a moment ago: How are we going to make C.R.Y.-- constitutional revision, you-all-- a reality?

But this is the point of your workshop today--to develop Political Effectiveness. And, so, let me venture in where you angels already have dared to tread.

Betty Ray, in her letter outlining numerous questions for us to ponder today, asked this: "Would a sound approach to revision be arousing public interest?"

The answer, obviously, is, "Yes, if you can arouse public interest, half the battle is won."

But how arouse the public? What can be done to get Mr. and Mrs. Texas Public Citizen stirred up about something as dull sounding as constitutional revision?

The public will not become concerned, effectively, until the opinion makers in the state power structure become concerned.

Traditionally, the power structure resists change because those who hold power reason that change may pose a threat to the continuation of their power.

Nevertheless, there are valid arguments that can be made to the business and political leaders of this state--the men who form today's power structure--to convince them a new state constitution is needed.

What are some of those arguments?

They relate to something already mentioned: the complexity of society as it becomes more and more urbanized and industrialized.

What has happened in government as these complex problems increase?



People have turned more and more to Washington, to the federal government for help as they have found state government unresponsive and city and county government unable to cope with the situation.

This, then, is the first argument to be made to the business and political leaders: "Look, the very thing that you have resisted and criticized--the increasing role of the federal government--has come about, in part at least, because our city and state governments weren't responsive, and our Texas constitution, like those of many other states, is one of the reasons this is so."

A second argument, one which should carry weight with state leaders: If state government is to give good executive direction to solving the critical problems of Texas society, the chief executive--the governor--should be granted broader power and heavier responsibility in heading that effort.

John Connally, the present governor, has implicitly recognized that such authority is needed, particularly in the area of budget execution.

He has, by virtue of enlisting strong business backing and through his powers of personal persuasion, convinced the legislature to set up a College Coordinating Board.

This board gives some promise of establishing a coordinated system of higher education, but there would be more assurance if the board were directly accountable to the chief executive of the state.

Such accountability, if authorized under a new constitution with respect to all executive agencies, would, in turn, make the governor more responsible to the voters.

A third argument to be made to business leaders and top political officeholders or candidates for such office is this: A modern state constitution is needed before we can modernize county and city government and give taxpayers better service for their tax dollars.

All levels of government can be improved, but the area of greatest need--and the one that offers the opportunity for most rapidly effecting economy--is county government.

The glaring lack of central accountability in county government, county duplication of services better performed by city government, and the impracticality of the county home rule provision--all are arguments for constitutional revision to make way for better local government.

What I have said is perhaps repetition of the obvious, a replay of the familiar, but it seems to me these are some of the selling points that would be most effective with the people who can help you the most.

How are you going to reach these people who hold the reins of political power?

Go to the people you know in the power groups. These are your leaders in the Chambers of Commerce, in the Bar Associations, in the Texas Medical Association, in the Texas Manufacturers Association.

Sell the people you know in these organizations on a personal basis. Persuade them to make constitutional revision a part of their legislative program.



Go to the publisher and the editor of your influential newspapers. Convince them to take up the editorial cudgels. Do the same with TV and radio owners and managers. Ask them for public service spots.

Go to Governor John Connally, to Lt. Gov. Preston Smith, to Atty. Gen. Waggoner Carr, and to House Speaker Ben Barnes--and to whoever are their successors or contenders for those offices. Solicit their support, and prevail on them to make constitutional revision a priority subject in their programs.

Last, and definitely not least, go to your city councils and to your legislative delegations. Bear down on the need for legislative commitment to constitutional revision if cities are going to fight their way out of financial quicksands.

These, it seems to me, are some of the approaches to promoting a new constitution for Texas--a constitution long overdue but now, in my opinion, perhaps closer at hand than many might suspect.

You can see that I still remain an optimist at heart.

Should the next 10 years prove me wrong, don't feel badly. Remember, the slogan I've given you will still apply.

You can sit down and--C.R.Y.--"cry," for constitutional revision, you-all.

# # # # #



Stacy LNU  
President

League of Women Voters  
3215 Knox, Dallas 5, Texas

May, 1961

# DIALOGUE ON THE TEXAS CONSTITUTION\*

New Texan: Now that you Leaguers have told me all about tornado alerts and the view from the Southland Life, what I'd like to know is - what's all this about changing the State Constitution?

Old Texan: You mean you'd like to know just why the League is not satisfied with our present Constitution? Well, that's a good question. First off, it's NOT because the old Constitution is too long --- or too wordy --- or unsystematically arranged --- though those all are true descriptions of it ---- it's nothing so unimportant as that. The Constitution sets up a government that doesn't fit our needs today. After all, how could it? Written in 1876 by a bunch of farmers....

New Texan: Farmers?.....Don't lawyers usually write these things?

Old Texan: Well, you see, it was like this. After the Civil War.....

(tells in own words story of Gov. Davis, the Grangers, etc. Section I, information sheet.)

New Texan: I see. Nothing like knowing the history of a thing to help one understand it.

Old Texan: Yes. If the men who wrote our Constitution were around today they'd be the first to change it. First of all, the executive department didn't work out the way they planned. They wanted to guard against abuses of power by the governor, so they arranged for seven executives -- seven -- to share the executive power, making the governor more or less a figurehead. Result: lack of responsibility in the office

(tells in own words: about administrative boards  
about lack of leadership for state and how this  
affects responsibility and authority of  
state government.

Sections 2 and 3, Information sheet)

New Texan: You talked about seven executives. Just a word about them, please....

Old Texan: (tells in own words about other executives and their work and qualifications. Section 4, Information sheet.)

New Texan: I am beginning to understand why the League wants a new set-up. Certainly a rich state like Texas should have everything its citizens could want or need with the proper administration.

Old Texan: Did you say rich? Texas is rich, but our financial set-up hamstring the best use of revenues from our wealth. Didn't you see in the newspapers that we have a deficit at last count of 161 millions? You've arrived just in time to pay some of the new taxes we're going to have to levy...perhaps a sales tax... as there's no state income tax. Our legislators can't get together as yet on just what to tax. You see, Texas, under our Constitution, has no central office of finance....another attempt by our founding fathers to prevent abuse of power

\* State Current Agenda Item I, see Information sheet.



by diffusing that power. Well, it doesn't work out very well.....Two years ago the governor and the comptroller disagreed over whether the state was 47 million or 65 million in the red. A difference of 18 million. No one could, or has as yet, settled the fuss, there being no one person who can balance all the books of the state.

New Texan: You mean that Texas doesn't have a bank account to receive funds and pay them out as a business does, or as I do?

Old Texan: No indeed. Remember I said there's no central financial agency..... instead.....(tells in own words about six financial agencies, ear marked taxes-- only 15% of funds are budgetable, resulting amendments to allow new appropriations, two-year appropriation limit, two proposed budgets--one from the executive branch and one from the legislative branch. Section 5, Information sheet.)

New Texan: It certainly appears that reforms are needed if citizens are ever going to be able to understand what goes on with their state's finances. Well, what's being done about it? What is the League doing?

Old Texan: Way back in 1948 the League started a "Know Your State" survey..... This was not completed till 1954.....it's four inches thick, very thorough.... meanwhile we were fighting for a research project to be undertaken by the state to study the Constitution.....just to get an expert opinion.....this took years .....Finally, in 1957 the Legislature did approve a four year program of research by the Texas Legislative Council, which is their own official research body....but they didn't appropriate any money for the study till 1958. Our hopes were high, but we were disappointed.....

New Texan: What do you mean? Didn't the study produce results?

Old Texan: Not what we hoped. In less than a year the TLC reported their findings. They consider the Constitution adequate, "reflects the thinking of the average citizen, and is satisfactory to most Texans." Of course, the League just can't agree. Our own opinion survey showed the exact contrary.

New Texan: You mean that the League has conducted its own survey on the Constitution?

Old Texan: Yes, last year. The findings were just published and show that opinion is overwhelmingly in favor of revision. We talked to all kinds of citizens....while they didn't know much about the details of the Constitution, each seemed to have some aspect of it in mind that needed fixing. Lawyers pointed to laws that are unworkable; business men wanted the financial set-up changed; educators, welfare workers, labor leaders, each had his own example of a needed reform.

New Texan: It sounds discouraging.....what will happen now?

Old Texan: Well, the campaign was spearheaded by a group of illustrious citizens, including two League members, called the Citizen's Advisory Committee. They have agreed to disband for the present, but you can be sure they're not giving up!



INFORMATION SHEET FOR CONSTITUTION-REVISION DIALOGUE:

\* State Current Agenda, Item I

The League of Women Voters of Texas will work for revision of the Texas Constitution by:

- A: Stimulating citizen interest and participation.
- B: Continued support for a thorough research program and for the objectives of the Citizens Advisory Committee.
- C: Continued study:
  - 1. Texas Legislative Council Reports.
  - 2. Other areas of the Constitution, beginning with state-local relations.

1- After the Civil War, Texas was subjected to a carpetbagger regime, headed by Edmund J. Davis, elected governor under the so-called "Iron-clad Oath" law, by which everyone who could not swear an oath that he had never supported the Confederacy was unable to vote. Davis was a very despotic governor. He and his associates raided the treasury and terrorized the state through organized gangs of thugs who called themselves State Rangers. At the same time, the Grant administration in Washington was rife with fraud and corruption, and huge scandals on a national scale were uncovered, including the Credit Mobilier (Congressmen were given railroad stock for voting in favor of railroad legislation), the Whiskey Ring (cabinet members helped to defraud the government of internal revenue), and the Fisk and Gould attempt to corner gold, which helped bring on a serious financial panic and depression. In short, confidence in the government was at a very low ebb.

Against this background, a reform group called the Patrons of Husbandry arose. They were small farmers who demanded government regulation of railroad rates (railroads awarded lower rates to preferred shippers and areas at will), honesty in government, and a return to normalcy in the South. This group was nation-wide, and soon became powerful in Texas, where they were known as the Grangers. When the time came to re-write the carpetbagger Constitution, it was these Grangers who formed the majority of the writers of the new 1876 Constitution, our present one. Ninety delegates to the convention included 41 farmers, 29 lawyers, and 20 others. These men had for the most part had no experience in government and little education of the sort that could prepare them for their task, but they were honest citizens and they dedicated themselves to writing a document that they thought would prevent forever any re-occurrence of the carpetbagger abuses. Therefore, they spelled out in minute detail each operation of the state government, purposely proving little elasticity, little responsiveness to changing needs and changing times.

2- The governor administers the state through administrative boards, 243 of them. When a governor takes office he has an opportunity to fill vacancies on these boards, but he can never appoint a majority of the membership (some are serving terms to which they were appointed by other governors), and once appointed the governor has not any further control over his appointees except that of appointment as terms expire. The boards are all differently organized and range from the Texas Employment Commission, to the boards of State educational institutions. The Railroad Commission, all-important in its regulation of the oil industry is one of these boards.

Scandals have occurred in relation to these boards (Veteran's Land Scandal, insurance scandals) which have been blamed on the governor, but the main fault



with them is that they are far removed from the public eye, costly to operate, and for all practical purposes, impossible as vehicles for leadership. The governor is too easily over-ruled or circumvented to be in control of the situation.

3- Since the governor cannot exert leadership through the administration (although he may exert leadership as a leader of his party), and since the legislature meets only once every two years for a limited time, and even then is burdened with many local problems, the state may tend to drift, and serious problems can become more serious. For instance, consider the Hale-Aiken bills to improve our schools and pay teachers more; the need for safety laws in industry; the welfare needs of the state. Historically the Federal Government has tended to take action when the states do not.

4- The other state executives, all, except the Secretary of State, elected by the people and completely independent of the governor, and equal in status to him, are:

**Lt. Gov.** - He is president of the Senate, casts his vote in case of a tie, substitutes for Governor in case of need. He has vast power in the legislature since he decides order of business, and may send bills to friendly or unfriendly committees. Not under fire from political opposition, who are in fact, eager to work with him, he often is reelected. Ben Ramsey, present incumbent is serving his sixth term. For these reasons, he can be regarded as more powerful than the governor.

**Soc. of State** - He is appointed by the Governor, keeps records, appoints notaries public in each county, etc.

**Att'y General** - He charters corporations, and represents the state in legal matters.

**Comptroller of Public Accounts** - He has greater power over state spending than any other official. No appropriation bill can be passed until the Comptroller has endorsed it as being covered by available funds. He collects 82% of Texas taxes and administers 35% of that total. The bookkeeping for the variety of special funds is not under his jurisdiction.

**Treasurer** - His duties are prescribed by the legislature.

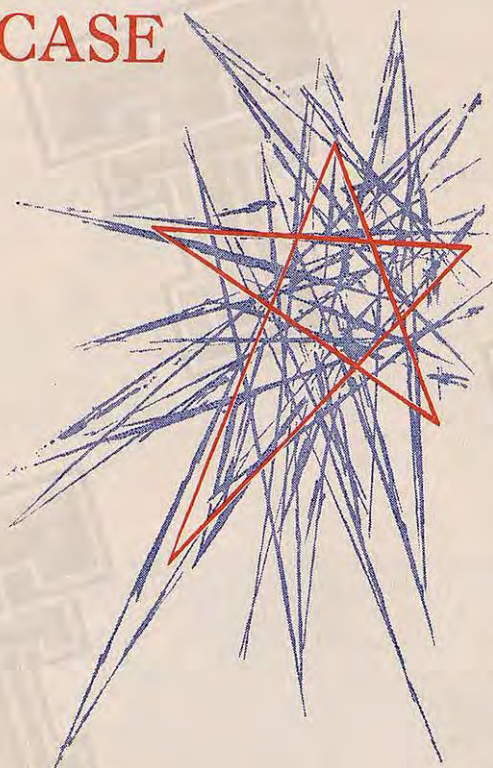
**Commissioner of the General Land Office** - His office dates back to the time when lands were being given away by the state. Now, his is a less significant office.

5- There are six major fiscal agencies, independent of each other, which administer 85% of the revenues of the state, 1) the Comptroller of Public Accounts, 2) the Treasurer, 3) the Board of Control, 4) the Auditor, 5) the Legislative Audit Committee, and 6) the State Tax Board. They manage our so-called "ear-marked" funds --- taxes from specific sources which must be applied to specific uses. Not too bad an arrangement if times only stood still, but completely inadequate in these days of change. The legislature cannot divert or borrow money in any way from any of these funds. As new needs arise, new taxes must be found and levied for them, whether or not there are surpluses in other funds. Only 15% of the current revenues are subject to budgeting; and these must be appropriated on a two-year basis. The State is not allowed by the Constitution to borrow more than \$200,000 at any one time; this totally unrealistic figure is circumvented by issuance of bonds and by other bookkeeping maneuvers. At present the deficit runs over 160 million.

Budgeting is done by the so-called dual budget method: the governor draws up a budget and so does the legislature; the two are then reconciled by the legislature which appropriates as it sees fit to various state agencies out of the 15% of the revenues available. The governor may veto specific items but cannot adjust the amounts, either at the time of passage or during the two-year interim while the legislature is not meeting.



A  
BRIEF  
CASE



FOR  
REVISION  
OF  
THE  
TEXAS  
CONSTITUTION



# THE TEXAS CONSTITUTION

**needs revision**

## **because**

Its provisions are long, detailed, repetitive—  
need ABBREVIATION.

Its provisions are ambiguous and contradictory—  
need CLARIFICATION.

Its provisions on each subject are scattered—  
need REARRANGEMENT.

Its provisions in some instances are obsolete—  
need MODERNIZATION.

## **because**

It was adopted in 1876, when there was great distrust of state governments caused by their general abuse of citizen rights and freedoms during the Reconstruction Era following the Civil War. Consequently, the Texas Constitution is limiting and restrictive on state government operations and services to the people.

## **because**

In 84 years, Texas has grown rapidly and dramatically—from a rural to an urban population, from an agricultural to an industrial economy. A restricted and limited state government can no longer adequately cope with the resultant complex problems.

## **because**

The LEGISLATURE cannot assume its proper responsibilities for policy-making and financial control. The GOVERNOR is denied authority to carry out his responsibilities.

The ADMINISTRATIVE agencies are not responsible to the governor.

The JUDICIARY does not provide for justice with a minimum of delay.

The COUNTY GOVERNMENT system is the same for all 254 Texas counties regardless of size and character.

\*\*\*\*\*

"A constitution is basic law establishing the essential frame of government and guaranteeing essential rights and popular liberties. It should not be allowed to become a detailed code either of police regulations or of administrative organization and procedure. One of the first virtues of a constitution is to be brief."

—*Statement of Principles and Program of Action,*  
*New Jersey Committee for Constitutional Convention.*



# THE TEXAS CONSTITUTION

can be revised by

## Constitutional Convention:

The *Legislature* submits a proposal for a Constitutional Convention to a *vote of the people*, who at the same time vote on delegates to the Convention. The Convention's proposed new constitution is then submitted to a *vote of the people*.

## Constitutional Commission:

The *Legislature* appoints this advisory group to study, advise and perhaps even submit a new constitution to the *Legislature* whose approval is necessary before a *vote of the people* on the proposed document.

## Legislature:

Single Amendment Process—The *Legislature*, after two-thirds approval of each house, submits amendments to a *vote of the people*.

Coordinated Amendments—The *Legislature* proposes a series of related amendments to a *vote of the people*.

Legislature as a Convention—The *Legislature* can act as a convention upon authorization by a *vote of the people*, and the proposed new constitution is submitted to a *vote of the people*.

# THE TEXAS CONSTITUTION

has been revised by

140 single amendments from 241 submitted to a *vote of the people*.

“Uncoordinated revision of this character, although necessary, leads ultimately to complexity and conflicting provisions. This circumstance alone is one factor affecting the need for wholesale revision.”

*Page Keeton, Dean of the School of Law, University of Texas.*

\*\*\*\*\*

Our ideal of a simple, flexible and durable state constitution cannot be achieved piecemeal. The League supports complete revision which would retain what is good, omit what is obsolete, and replace what has proved unworkable.

*Paraphrased from the League of Women Voters of Pennsylvania.*



# THE TEXAS CONSTITUTION

and research

"The only foundation for sound generalization is research—basic research on which more confident diagnosis and prescription for state governments should rest in the future."

—*The Forty-Eight States—Their Tasks as Policy Makers and Administrators, Final Report of the Eighth American Assembly.*

## The Texas Legislature . . . its part . . .

In 1957, the 55th Legislature approved a Resolution which called for a 4-year research program, but failed to appropriate the necessary funds. In 1959, the 56th Legislature provided \$50,000 to begin the research.

## The Texas Legislative Council . . . its part . . .

This official research agency of the Legislature is to make a study of the Constitution. The initial appropriation by the Legislature does not prohibit the Council's enlisting the aid of public and private groups in the research which is to be evaluated by a professional director and staff.

## The Citizens Advisory Committee . . . its part . . .

This 18-member committee, serving without compensation, is representative of all sections of Texas. It will study the Council research and make recommendations and reports to the people and the Legislature on the need for revision and methods of achieving it.

## The People of Texas . . . your part . . .

1. Discuss this at home . . . with students—they can tell you about the need for revision of the Texas Constitution.
2. Check your local library for information on Texas Constitutional Revision.
3. Ask organizations to which you belong for speakers and programs on the need for Texas Constitutional Revision.
4. Urge your local newspapers and company publications to run a series of articles on the Texas Constitution.
5. Research costs money—you can help by urging your legislators to continue necessary appropriations.
6. Elect legislators dedicated to constitutional revision, for the Legislature must initiate any official start toward revision.
7. Work with other citizen groups to bring about complete revision of our Texas Constitution.



# THE TEXAS CONSTITUTION

and the federal government

"Never, under our constitutional system, could the National Government have syphoned away state authority without the neglect, acquiescence or unthinking cooperation of the states themselves."

— Dwight D. Eisenhower.



State government is responsible to its citizens for meeting their needs and providing services.

When a vital need or service—such as highways, conservation, health, or welfare—requires national action, the initiative, energy, and competence of state and local government should help determine whether the national role is to be minor or major, cooperative or dominant. When the state cannot assume its proper responsibility in these areas because of constitutional restrictions, the Federal Government is forced to act.

Texas, and Texans, would benefit from a fundamental review and revision of the State Constitution to make sure that it—not forbids—but permits vigorous and responsible government.



**DO YOU KNOW THAT . . .**

You can get a quick look at Texas government and its foundation, the State Constitution, from a booklet, **Texas Constitutional Review**, prepared by the League of Women Voters of Texas. It's 25c from a local League or the State Office.

**DO YOU KNOW THAT . . .**

The League of Women Voters of Texas will furnish informative little leaflets pinpointing features of the Texas Constitution . . . single copies free on request, or in quantity, 100 for \$1.00:

1. Patches (number of amendments)
2. Big Chief (the Executive)
3. Earmarking (of tax funds)
4. Amending Process (some simple facts)
5. Research (need for and value of)



C O P Y

November 25, 1964

Mr. Peter S. Chamberlain  
Clifton, Kelly & Sernstein  
700 Fidelity Union Tower  
Dallas, Texas 75201

Dear Mr. Chamberlain:

I cannot begin to tell you how pleased I am that an organization of the stature of the Dallas Jaycees is interested in revision of our outdated state Constitution. Many of the seemingly insoluble problems of our state and local governments stem from the constitution that was adopted for a far different way of life than that we live in today.

The League of Women Voters is presently seeking sponsors for state legislation to set up a Constitutional Revision Commission that will get on with the necessary research that must be done before thorough revision can be undertaken. A bill has been prepared by the League calling for appointment of such a Commission by the three branches of state government - executive, legislative and judicial. Calling for the use of either public or private funds, the bill would specify the tasks of the Commission and set a time limit on its work.

Much public education on the need for revision and the means for achieving it is necessary to make any such effort meaningful. I believe the Jaycees could provide much valuable assistance in broadening the scope of such public education and would suggest a meeting and perhaps the formation of an ad hoc committee to further this purpose. The public in general is unaware of the need for revision and the methods of achieving it.

I am enclosing samples of the materials prepared by the League during its twelve years work for revision. The booklet, Texas Constitutional Review is now both out-of-print and out-of-date and we are in the process of revising it. It has had wide distribution and use among civic organization, civics classes in both high schools and colleges and anyone expressing an interest in revision. The leaflets are now available free from this office although supplies are no longer extensive. The publication How to Revise is a good basic text and explanation of the methods of revision. I have also included our most recent publication, Texas Constitutional Revision Digest which details progress to date on the issue. (Progress has been very slight however.)

I am unaware of any other organized effort for revision although the Texas Bar Association has expressed interest in many ways and for a long time. Whether there is truly organized opposition has not become fully apparent because revision efforts have not become sufficiently strong to generate such opposition. Certainly we generally receive almost unanimous support



from the legislative candidates in response to our questionnaires preceding elections. It has long been felt that opposition to revision hinges on measures to reapportion the Legislature that would be included in a new document. Thus, the present mandate for reapportionment may ease the progress toward revision.

Please feel free to call on the League at any time for assistance. I would hope that the Dallas Jaycees can encourage the Texas Jaycees to cooperate in taking an active role in revision. We will be pleased to supply speakers, further publications, and advice to make this worthwhile project successful.

Sincerely,

Mrs. Maurice H. Brown  
President

ir

Enclosures: TC Review  
How to Revise  
TCR Leaflets (5)  
TCR Digest 1964



NOV 23 1964

CLIFTON, KELLY & BERNSTEIN  
ATTORNEYS AND COUNSELORS AT LAW

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*Thermofax: Ballard  
Pitts  
Carpenter  
Noller  
FYI - Murphy*

100 FIDELITY UNION TOWER  
DALLAS, TEXAS 75201

November 16, 1964

League of Women Voters  
of Texas  
2114 Sealy Avenue  
Galveston, Texas

Re: Constitutional revision

Dear Madam:

The Governmental Affairs portfolio of the Dallas Junior Chamber of Commerce has asked me to look into the possibilities of this organization undertaking an active part in working toward the overhaul of the Texas Constitution. Preliminary research revealed the fact that your organization seems to have done more in this field than anyone else. I am, therefore, asking your advice and assistance before proceeding to work up any project along this line for presentation to the Dallas and/or Texas Jaycees.

What is the direction and present status of your effort in this matter? Do you have any material available that might be helpful to us in such a project, either in the initial stages in the committee or in broader activity at a later date? What, in your opinions, would be the most effective and valuable step for us to take at this time?

Who else is vitally interested in this activity--and who would your experience indicate would be likely to be hostile? I am writing the Texas Research League and a few other private organizations also at this time for advice and information. Any information or assistance which you might be able to give us would be greatly appreciated.

Yours truly

Peter S. Chamberlain

cc.



# League of Women Voters of Texas

612 NORTH 18TH STREET • WACO, TEXAS

STATEMENT TO THE DEMOCRATIC  
STATE PLATFORM COMMITTEE by

MRS. MAURICE H. BROWN, PRESIDENT  
LEAGUE OF WOMEN VOTERS OF TEXAS

on  
Texas Constitutional Revision  
Texas Election Laws

I am Mrs. Maurice H. Brown, president of the League of Women Voters of Texas, and the more than 3600 members in 35 local Leagues in Texas join me in expressing our appreciation to the Democratic Party of Texas for this opportunity to express our long-held views on two important state government problems: general revision of the 1876 Texas Constitution and improved election procedures.

The League of Women Voters of Texas is a nonpartisan organization which neither supports nor opposes candidates or parties. The League does, however, support those issues in the public interest which its members have chosen to study and have reached agreement on. The League is hopeful that the Democratic State Platform will include statements reflecting substantial agreement with and support of the League's position on the need for general revision of the Texas Constitution and the steps necessary to achieve it and with the League's view that Texas needs improved election procedures, notably a good voter registration system.

## TEXAS CONSTITUTIONAL REVISION:

The League of Women Voters of Texas is not alone in its concern for general revision of the Texas Constitution. The Democratic Party in previous years has always included a plank in the State Party Platform endorsing the principle of revision. It is the League's hope that the Democratic Party not only will continue to include this important reform in its Platform, but that each Democratic candidate running for state office on this Platform will join with League members throughout Texas in helping our citizens understand the need - and the procedures necessary - to bring about revision.

Members of the League echo again and again Governor Connally's fine statement in his 1963 address to the 58th Texas Legislature that "the time has come for the State of Texas to put its resources behind a thorough revision of the State Constitution, and to inform and make appropriate recommendations to the Legislature and the people of Texas concerning revision." Ever since their initial survey of state government in 1952, League members have been convinced that many basic problems of state and local government in Texas are aggravated by the inadequacies of our 19th century Reconstruction period State Constitution.

In the past three years, League members have focussed their attention on problems caused by rapid urbanization, industrialization and increased population, and the difficulties that local governmental units - cities and counties - encounter in solving these problems because of the limitations and restrictions imposed on them by the 1876 Texas Constitution. The fact that the Legislature has found it necessary to submit long and complex amendments at the tremendous cost of 3/4 million dollars just since 1957 is indicative that a patch-work, piece-meal effort is being used to solve long-range basic problems on an emergency basis. The League of Women Voters has found that there is general agreement among citizens from all walks of life that the inflexibility of the city and county government structure in Texas encourages the seeking of



solutions to local problems in Washington rather than in Austin or the county and city court house.

The machinery of government, our State Constitution, even with the constant tinkering of the piece-meal amendment process, falls further and further behind in the effort to keep up with changing conditions. Its inadequacies have been pinpointed not only by professionals but by plain citizens as well: for example, the governor is expressly responsible to the people for carrying out the laws of the state yet he is denied Constitutional authority to fulfill this obligation; the Legislature is unable to assume its proper and historic role in policy-making and financial control when certain constitutional limitations and restrictions mean almost 85% of state revenues are earmarked for special funds; the increasing congestion of state court dockets at all judicial levels denies the basic American principle of justice with a minimum of delay.

The machinery of state government, its constitution, will continue to contribute to the demise of the "federal" concept of government in the United States unless and until it becomes an instrument of preservation rather than slow deterioration of this concept. While other issues often seem more immediate in their appeal, more glamorous in the solutions envisioned, none is as basic and in the long run more profound and historic than that of general revision of the Texas Constitution. League members recognize that general revision cannot and should not be accomplished overnight. Some tentative study and research has been done on the Texas Constitution in recent years. At no time and no where, however, has a genuine research project of the magnitude needed been initiated which would provide a meaningful and genuine revision effort. The League strongly urges and supports efforts, both public and private, which will prepare such basic information for those who will ultimately be engaged in revision, the people of Texas. A Constitution is and should be a basic framework of government and, as such, should be the product of the people it governs. League members support a Constitutional Convention as the best method for general revision preceded by qualified and objective research preparations.

Members of the League of Women Voters of Texas, whose philosophies cut across the entire spectrum of political and governmental concepts, earnestly hope that the Democratic Party will not only continue its efforts to strengthen state government to make it responsive to the needs of its 20th century population, but will actively initiate and support measures which will enhance strong and viable state and local government in Texas.

#### ELECTION PROCEDURES:

Next to paying taxes, no other facet of government so touches the citizen as his right to vote or the means by which he does it. The League of Women Voters of Texas has a long standing concern with improvements in Texas election laws. The Democratic Party also has expressed its concern for better election procedures. League members hope that a Democratic State Platform plank will call for improvements in those areas which affect the voter most directly.

The mobility of the U.S. population is an accepted fact of 20th century life, but it is always emphasized again for those of us in the League when we are forced, in a Presidential election year, to explain to the newcomer to our state, first that Texas has very strict residence requirements which means that a citizen moving into Texas loses his right to vote for the President and Vice President, and second that the period for "registering to vote" in Texas is a short, limited period ending on January 31 with payment of a poll tax. Members of the League remain dedicated to



the principle that responsible citizen participation in government is the key to a successful and continuing democratic system. An inefficient and inequitable method of voter registration is a mockery of this principle. The League strongly urges the Democratic Party to endorse the legislation necessary to establish a sound voter registration system in Texas: one in which all voters would be registered regardless of age or place of residence; one which would provide for personal registration with the voter required to identify himself by signature when registering and when offering to vote; one which would require that a voter re-register by voting regularly; one which permitted yearround registration except for a short period before an election; one in which possibilities for misrepresentation, fraud and inequity were eliminated; one in which there is no fee charged for the right to vote. Both because of the fee aspect of the poll tax as a prerequisite for voting and because it is an inadequate method of listing and qualifying voters, the League urges a complete elimination of any connection between the poll tax and voter qualifications and procedures. Texas ranked 44th in the 1960 Presidential election in voter turnout with only 41.8% of those qualified to vote actually doing so. And only some 2-1/2 million Texans even bothered to qualify. A representative, democratic government is jeopardized if citizens are discouraged from exercising the franchise by unreasonable, arbitrary and unnecessary procedural barriers. It is difficult to explain to an American citizen sent by his government to the NASA installation in the Houston area, for instance, why he cannot at least vote for the President and Vice President of that government. It is well nigh impossible to explain to a native Texan whose company has transferred him within the state in August why he cannot vote in November. Our archaic residence and registration requirements must be changed so that our election procedures fit the way of life in the latter half of the 20th century.

Some 35 states, all with better voting records than Texas, use a voter registration system similar to that previously described. Many states now recognize the problem of the mobile voter and have reduced the length of time that residence must be established in order to vote for federal offices. For example, Arizona, California and Illinois have now shortened their residence requirements for voting in presidential elections to 54 days in one and 60 in the others, if the voter was qualified in his former place of residence. Others have similarly recognized the problem of the mobile voter. The report of the President's Commission on Voting suggests many areas for improving election laws and procedures; most of these are applicable to Texas.

It is the belief of League members that these vital state issues, general revision of the Texas Constitution and improved election procedures including a sound voter registration system, are measures to which the Democratic Party should give sustained and statesmanlike leadership and attention. These issues are basic and affect the citizen more directly and for a longer time than any other. It is our sincere hope that this Platform Committee will include positions on them that parallel those of the League. We wish to thank you for this opportunity to present League views on these matters of vital concern to all of us.



# STATES WITH SPECIAL RESIDENCE REQUIREMENTS FOR PRESIDENTIAL ELECTIONS ONLY

<u>State</u>	<u>New Resident May Vote for President and Vice President</u>
Arizona . . . . .	if new resident moved to Arizona 60 days before election and if he would have been qualified in state from which he moved; former Arizona resident may vote in Arizona for 15 months after moving, if not qualified in new state
California . . . .	if in state at least 54 days
Colorado . . . . .	if 6 months in state and otherwise qualified
Connecticut . . .	if more than 60 days in state; former Connecticut resident may vote in Connecticut if in old town for 24 months and if unqualified in new state
Idaho . . . . .	if 60 days in state and otherwise qualified
Illinois . . . . .	if 60 days in state and otherwise qualified
Kansas . . . . .	if 45 days in township or precinct
Maine . . . . .	if 30 days in state and otherwise qualified
Maryland . . . .	voter may vote in old precinct until qualified in another
Massachusetts . .	if at least 30 days in city or town
Missouri . . . .	if more than 60 days in state
Nebraska . . . .	if resident of state less than 6 months
New Jersey . . .	new resident must register at least 40 days before election; former New Jersey resident may vote in New Jersey if not eligible to vote in new state.
New York . . . .	if 90 days in state and otherwise qualified; former New York resident may vote in New York within one year after moving
Ohio . . . . .	if qualified in old state
Oregon . . . . .	if less than 6 months in state but otherwise qualified
Vermont . . . . .	former Vermont resident may vote in Vermont for 15 months after leaving
Wisconsin . . . .	if resident of state less than one year; former Wisconsin resident may vote in Wisconsin for 24 months after moving
Wyoming . . . . .	former Wyoming resident may vote in Wyoming for 1 year after moving

Source: Elizabeth Yadlosky of the Legislative Reference Service,  
Library of Congress. June 1964



# League of Women Voters of Texas

612 NORTH 18TH STREET • WACO, TEXAS

## STATEMENT OF THE REPUBLICAN STATE PLATFORM COMMITTEE by

MRS. HAROLD E. MURPHREE JR., VICE PRESIDENT  
LEAGUE OF WOMEN VOTERS OF TEXAS

on

Texas Constitutional Revision  
Texas Election Laws

I am Mrs. Harold E. Murphree Jr., Vice president of the League of Women Voters of Texas and the more than 3600 members in 35 local Leagues in Texas join me in expressing our appreciation to the Republican Party of Texas for this opportunity to express our long-held views on two important state government problems: general revision of the 1876 Texas Constitution and improved election procedures.

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### TEXAS CONSTITUTIONAL REVISION:

The League of Women Voters of Texas is not alone in its concern for general revision of the Texas Constitution. The Republican Party in previous years has always included a plank in the State Party Platform endorsing the principle of revision. It is the League's hope that the Republican Party not only will continue to include this important reform in its Platform, but that each Republican candidate running for state office on this Platform will join with League members throughout Texas in helping our citizens understand the need - and the procedures necessary - to bring about revision. The time has come for the State of Texas to put its resources behind a thorough revision of the State Constitution. Ever since their initial survey of state government in 1952, League members in Texas have been convinced that many basic problems of state and local government in Texas are aggravated by the inadequacies of our 19th century Reconstruction period State Constitution.

In the past three years, League members have focussed their attention on problems caused by rapid urbanization, industrialization and increased population, and the difficulties that local governmental units - cities and counties - encounter in solving these problems because of the limitations and restrictions imposed on them by the 1876 Texas Constitution. The fact that the Legislature has found it necessary to submit long and complex amendments at the tremendous cost of 3/4 million dollars just since 1957 is indicative that a patch-work, piece-meal effort is being used to solve long-range basic problems on an emergency basis. The League of Women Voters has found that there is general agreement among citizens from all walks of life that the inflexibility of the city and county government structure in Texas encourages the seeking of solutions to local problems in Washington rather than in Austin or the county and city court house.

The machinery of government, our State Constitution, even with the constant tinkering of the piece-meal amendment process, falls further and further behind in the effort to keep up with changing conditions. Its inadequacies have been pinpointed



not only by professionals but by plain citizens as well; for example, the governor is expressly responsible to the people for carrying out the laws of the state yet he is denied Constitutional authority to fulfill this obligation; the Legislature is unable to assume its proper and historic role in policy-making and financial control when certain constitutional limitations and restrictions mean almost 85% of state revenues are earmarked for special funds; the increasing congestion of state court dockets at all judicial levels denies the basic American principle of justice with a minimum of delay.

The machinery of state government, its constitution, will continue to contribute to the demise of the "federal" concept of government in the United States unless and until it becomes an instrument of preservation rather than slow deterioration of this concept. While other issues often seem more immediate in their appeal, more glamorous in the solutions envisioned, none is as basic and in the long run more profound and historic than that of general revision of the Texas Constitution. League members recognize that general revision cannot and should not be accomplished overnight. Some tentative study and research has been done on the Texas Constitution in recent years. At no time and nowhere, however, has a genuine research project of the magnitude needed been initiated which would provide a meaningful and genuine revision effort. The League strongly urges and supports efforts, both public and private, which will prepare such basic information for those who will ultimately be engaged in revision, the people of Texas. A Constitution is and should be a basic framework of government and, as such, should be the product of the people it governs. League members support a Constitutional Convention as the best method for general revision preceded by qualified and objective research preparations.

Members of the League of Women Voters of Texas, whose philosophies cut across the entire spectrum of political and governmental concepts, earnestly hope that the Republican Party will not only continue its efforts to strengthen state government to make it responsive to the needs of its 20th century population, but will actively initiate and support measures which will enhance strong and viable state and local government in Texas.

#### ELECTION PROCEDURES:

Next to paying taxes, no other facet of government so touches the citizen as his right to vote or the means by which he does it. The League of Women Voters of Texas has a long standing concern with improvements in Texas election laws. The Republican Party also has expressed its concern for better election procedures. League members hope that a Republican State Platform plank will call for improvements in those areas which affect the voter most directly.

The mobility of the U. S. population is an accepted fact of 20th century life, but it is always emphasized again for those of us in the League when we are forced, in a Presidential election year, to explain to the newcomer to our state, first that Texas has very strict residence requirements which means that a citizen moving into Texas loses his right to vote for the President and Vice President, and second that the period for "registering to vote" in Texas is a short, limited period ending on January 31 with payment of the poll tax. Members of the League remain dedicated to the principle that responsible citizen participation in government is the key to a successful and continuing democratic system. An inefficient and inequitable method of voter registration is a mockery of this principle. The League strongly urges the Republican Party to endorse the legislation necessary to establish a sound voter registration system in Texas: one in which all voters would be registered regardless of age or place of residence: one which would provide for personal registration with the voter



required to identify himself by signature when registering and when offering to vote: one which would require that a voter re-register by voting regularly: one which permitted yearround registration except for a short period before an election: one in which the possibilities for misrepresentation, fraud and inequity were eliminated: one in which there is no fee charged for the right to vote. Both because of the fee aspect of the poll tax as a prerequisite for voting and because it is an inadequate method of listing and qualifying voters, the League urges a complete elimination of any connection between the poll tax and voter qualifications and procedures. Texas ranked 44th in the 1960 Presidential election in voter turnout with only 41.8% of those qualified to vote actually doing so. And only some 2-1/2 million Texans even bothered to qualify. A representative, democratic government is jeopardized if citizens are discouraged from exercising the franchise by unreasonable, arbitrary and unnecessary procedural barriers. It is difficult to explain to an American citizen sent by his government to the NASA installation in the Houston area, for instance, why he cannot at least vote for the President and Vice President of that government. It is well nigh impossible to explain to a native Texan whose company has transferred him within the state in August why he cannot vote in November. Our archaic residence and registration requirements must be changed so that our election procedures fit the way of life in the latter half of the 20th century.

Some 35 states, all with better voting records than Texas, use a voter registration system similar to that previously described. Many states now recognize the problem of the mobile voter and have reduced the length of time that residence must be established in order to vote for federal offices. For example, Arizona, California, and Illinois have now shortened their residence requirements for voting in presidential elections to 54 days in one and 60 in the others, if the voter was qualified in his former place of residence. Others have similarly recognized the problem of the mobile voter. The report of the President's Commission on Voting suggests many areas for improving election laws and procedures; most of these are applicable to Texas.

It is the belief of League members that these vital state issues, general revision of the Texas Constitution and improved election procedures including a sound voter registration system, are measures to which the Republican Party should give sustained and statesmanlike leadership and attention. These issues are basic and affect the citizen more directly and for a longer time than any other. It is our sincere hope that this Platform Committee will include positions on them that parallel those of the League. We wish to thank you for this opportunity to present League views on these matters of vital concern to all of us.



# STATES WITH SPECIAL RESIDENCE REQUIREMENTS FOR PRESIDENTIAL ELECTIONS ONLY

<u>State</u>	<u>New Resident May Vote for President and Vice President</u>
Arizona . . . .	if new resident moved to Arizona 60 days before election and if he would have been qualified in state from which he moved; former Arizona resident may vote in Arizona for 15 months after moving, if not qualified in new state
California . . .	if in state at least 54 days
Colorado . . . .	if 6 months in state and otherwise qualified
Connecticut . .	if more than 60 days in state; former Connecticut resident may vote in Connecticut if in old town for 24 months and if unqualified in new state
Idaho . . . . .	if 60 days in state and otherwise qualified
Illinois . . . .	if 60 days in state and otherwise qualified
Kansas . . . . .	if 45 days in township or precinct
Maine . . . . .	if 30 days in state and otherwise qualified
Maryland . . . .	voter may vote in old precinct until qualified in another
Massachusetts .	if at least 30 days in city or town
Missouri . . . .	if more than 60 days in state
Nebraska . . . .	if resident of state less than 6 months
New Jersey . . .	new resident must register at least 40 days before election; former New Jersey resident may vote in New Jersey if not eligible to vote in new state.
New York . . . .	if 90 days in state and otherwise qualified; former New York resident may vote in New York within one year after moving
Ohio . . . . .	if qualified in old state
Oregon . . . . .	if less than 6 months in state but otherwise qualified
Vermont . . . . .	former Vermont resident may vote in Vermont for 15 months after leaving
Wisconsin . . . .	if resident of state less than one year; former Wisconsin resident may vote in Wisconsin for 24 months after moving
Wyoming . . . . .	former Wyoming resident may vote in Wyoming for 1 year after moving



# DIGEST

## CR I TEXAS CONSTITUTIONAL REVISION

Support of measures to promote  
revision of the Texas Constitution

*League of Women Voters of Texas*

612 NORTH 18TH STREET • WACO, TEXAS

August 1964 \*\*\*\*\* 5¢



\* \* \* \* \*  
 \*  
 \* Continuing Responsibility #1 1964-66 \*  
 \*  
 \* SUPPORT OF MEASURES TO PROMOTE REVISION \*  
 \* OF THE TEXAS CONSTITUTION \*  
 \* \* \* \* \*

The Texas Constitutional Revision DIGEST 1964 is designed to bring old members up-to-date on Texas Constitutional Revision and help new members understand how the League of Women Voters works for revision. Such background is essential if old and new Leaguers are to take effective legislative action when the 59th Texas Legislature convenes in January, 1965.

The DIGEST 1964 is a part of the continuing effort to keep every member informed about Continuing Responsibility #1, which was adopted unanimously by the 9th Biennial Convention of the League of Women Voters of Texas. It also provides background material for local League public relations efforts.

TCR DIGEST 1964 is a continuation of the original September, 1962 Texas Constitutional Revision DIGEST. Put them together and you will be ready to venture forth as a well-informed spokesman for the League and revision.

Your League can order additional copies of both TCR DIGEST (Sept. 1962, 15¢) and TCR DIGEST 1964 (5¢) from the State Office.

The entire text of the Texas Constitution, more than 50,000 words long, is available in the Dallas Morning News' TEXAS ALMANAC at your local book store. It costs \$1.75, and students as well as League members will find it very handy. Your Library may have it too.

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#### The League and Revision Since 1962

League efforts toward constitutional revision have concentrated on informing the public since 1962 when Texas Constitutional Revision became a Continuing Responsibility of the League of Women Voters of Texas. Every League member takes part in informing the people of Texas about their Constitution and why it needs changing when she talks to her legislators about TCR, writes a letter to the editor about TCR, deplores the high cost of amending the Constitution the way we do in Texas, urges revision on radio or TV, discusses Texas government anytime, anywhere.

Local Leagues interviewed their legislators in the fall of 1962 before the 58th session of the Texas Legislature opened. One purpose of these public relations contacts was to encourage the exchange of information about TCR, and thus prepare for effective legislative action.

Local Leagues also participated in the TCR Library project during Texas Historical Week in March, 1964. Three Libraries in the vast area of Texas where there are no Leagues also participated in this program. Every



League that made this effort reported excellent co-operation and some received prominent display space. However, only 25% of the Leagues in Texas participated.

A movement for change can grow only through public awareness that the Constitution is the source of much of the ineffectiveness of Texas government. Therefore, it is necessary that every League make the most of every opportunity to call attention to the need for constitutional revision. The League of Women Voters is the only statewide organization at the present time devoting so much time and energy to active work for revision.

Efforts being made at the state level for revision include presenting the League's position about the importance of this issue to the state platform committees of both major political parties, and urging them to take a firm stand for revision in their platforms. The League is also cultivating contacts with influential Texans who are active in this field. Local Leagues are making similar efforts in their communities.

#### Texas Constitutional Revision Legislation Through The 58th Legislature

The 58th Texas Legislature (1963) considered several bills of interest to the League. Some got out of committee, some did not. One, an amendment repealing the poll tax as a pre-requisite for voting, passed the Legislature, but went down to defeat at the polls. This effort at "revision by amendment" was one supported by the League.

Another version of a "Little Hoover Commission" bill to study the Executive Department reversed the procedure of the previous Legislature - this time it passed the Senate but was bottled up in the House.

The League's Constitution Revision Commission bill had a Senate hearing at which the League of Women Voters of Texas testified in support of the bill. This one died in a second subcommittee, to which it was referred after a first favorable report. The House version did not receive a hearing. The League has supported creation of such a study Commission since 1956, and expects to do so again in the 59th Legislature when it convenes in January, 1965. A commission bill has been written and the League is seeking sponsors.

A resolution sponsored by the Texas Bar Association to permit abolition of Justice of the Peace Courts by local option also failed. A hearing was held, but no report ever made. The League supports integration of Justice of the Peace functions into courts of record.

#### What Other States Are Doing About Revision

Work toward Constitutional Revision is continuing in many states. Some examples:

Success came in Michigan, where a CONstitutional CONvention prepared the



document accepted by the voters on April 1, 1963. Michigan has a sharply divided power structure, and an old claim was that as far as constitutional revision was concerned "it couldn't be done". But it could! and the League was in the forefront all the way. The Michigan vote was close - the new Constitution, which set out to combine the best of the old with the new, was adopted with a majority of 7,429 out of 1,614,293 votes cast.

The New Hampshire CONstitutional CONvention ended June 10, 1964. This CON-CON proposed 19 amendments to revise the Constitution, 7 of which will be on the ballot in November, 1964. The New Hampshire League testified for recommendations of the Commission to Study the State Constitution which the League had previously supported. A majority of the Commission's recommendations were included in those approved by the CON-CON.

Tennessee elects delegates to a 'limited' CONstitutional CONvention on August 6, 1964. The CON-CON will study only the legislative branch of the state government.

California's Constitution Revision Commission is meeting in 1964 to do essential research.

However, a Pennsylvania referendum in 1963 defeated a call for a CON-CON in spite of bi-partisan and League of Women Voters support.

#### The Parade of Constitutional Amendments Rolls Along

The number of amendments to the Texas Constitution continues to increase the long, wordy and sometimes contradictory document. Ten amendments out of 14 on the ballot were added in 1962, and one out of four in 1963. Three more are on the ballot in November, 1964.

The Constitution requires that all proposed amendments be published "once a week for four weeks, commencing at least three months before an election... in one weekly newspaper of each county". (Art. VII, Sec.1) The cost to the taxpayers varies with the number of amendments. It amounted to more than \$254,000 tax dollars in 1962, about \$60,000 in 1963.

As of August, 1964, this is the record on amendments:

#### AMENDMENTS TO THE TEXAS CONSTITUTION

Total considered by voters.....	263
Total adopted.....	155



# Tech Professor Leading Fight For Revision Of Texas Constitution

## Dr. Davis Is Convinced Uphill Battle In Offing

(EDITOR'S NOTE: Following is an article on efforts to bring about a revision of the Texas Constitution. The efforts have run into many roadblocks and detours down through the years. In the following article, as related by Dr. J. William Davis, professor and government department head at Texas Tech, some of the background to the revision fight are detailed. The article was prepared by Freda McVay of the Texas Tech information office staff.)

It may not be a glamorous, headline-catching fight, but there's a continuing, bitter struggle going on in Texas right now which has produced a long series of charges and counter-charges—and more than a few unanswered questions.

At issue is revision of the Texas Constitution.

One of the leaders in the fight is Texas Tech's Dr. J. William Davis, a firm believer in the policy of hammering away at what he believes is archaism, suspicion and economic waste which has increasingly stifled and imprisoned governmental functions under the Texas Constitution for almost 90 years.

### Known In Athletics

Dr. Davis, professor and government department head at Tech, is more widely known in his own field of government education, as well as in athletic circles. As chairman of Tech's athletic committee, Dr. Davis was instrumental in getting Tech admitted to the Southwest Conference. He then worked on the idea of improving the letters of intent for the athletes in the Southwest Conference, and is continuing successful pursuit of this goal on a nationwide basis.

Less well known is that Dr. Davis has also concentrated his efforts for several years on the revision of the Texas Constitution, and has been an outspoken advocate of reform and improvement in state government.

Dr. Davis is firmly convinced that this uphill battle may well be Texas' most important struggle politically, since the Alamo; but the path to progress has been plagued with obstacles, heavy with disappointments and shrouded with intrigue.

In almost every respect, the battle for constitution revision in Texas has been puzzling, perplexing, paradoxical and generally frustrating, Dr. Davis feels.

### Recommendations Opposed

But the most mysterious story of all in connection with this subject is the one which Dr. Davis likes to call "The Abortion of Texas Constitution Revision," concerning two groups set up simultaneously to study the problem and work together toward recommendations for revision. Dr. Davis was a member of both groups, the

Citizen's Advisory Committee and the research staff of the Legislative Council.

The story is full of ironies, Dr. Davis points out:

The reports of the two groups came out in direct contradiction. Using the same information, the same research and in some cases the same persons, the Legislative Council and Citizens Advisory Committee made diametrically opposed final recommendations, Dr. Davis says!

Also, the \$50,000 appropriated by the Legislature for research to determine how the constitution should be revised, was finally used to publish three volumes "proving the excellence" of the present constitution and denying the need for revision.

And in several cases the recommendations and research by individuals on specific sections of the constitution were so altered as to make it unrecognizable after its submission to the Legislative Council, Dr. Davis claims.

Dr. Davis is extremely curious about these strange results. He and many others are asking in surprise and shock, "How could this have happened?"

While all of the current textbooks on Texas government contain brief but ambiguous summaries of the recent movement for revision, the real conclusion to the story has not been told. Textbook writers have been left only the formal pronouncement of the Legislative Council and the almost unnoticed recommendations of the Citizen's Advisory Committee.

As an active member of both



**PONDERS PUZZLE**—Texas Tech's Dr. J. William Davis, professor and head of the government department, pauses in his work on a study of the Texas Constitution revision movement to reflect on the series of events which ultimately led to the failure of the most recent revision attempts. Dr. Davis is currently working on at least two projects relating to Texas' outdated Constitution, in the hopes of attaining a change in the document, if not a new Constitution altogether. (Tech Photo)

groups, Dr. Davis describes the sequence of events as follows:

"On May 23, 1957 Gov. Price Daniel signed House Concurrent Resolution No. 13, which pointed out the need for a study of the Texas Constitution, with a view toward revision, and designating the two groups to be involved with the study.

### Council Set Up

"The Texas Legislative Council was charged specifically with the research and reporting, and the Citizen's Advisory Committee was designated to advise with the council and keep in touch with its research progress. In addition it was directed to recommend to the Legislature and to the people of Texas the character of and the method to be used in effecting the revision of the Constitution of Texas.

"An interim report was to be made by both groups to the 56th Legislature (1959) and the final report to the 57th Legislature (1961).

"The Citizen's Advisory Committee was appointed, six members by the governor, six by the lieutenant governor and six by the speaker of the House. The Legis-

lative Council appointed a study committee from its membership consisting of three representatives and two senators. The professional staff of the council was directed to proceed with the study within the limits of funds and staff.

"It was agreed at the first meeting of the two groups that they would cooperate closely, keeping each other constantly informed of their work, and that consultation should take place on all moves toward the accomplishment of the purposes of the resolution.

"Optimism was running high in 1958 as the Advisory Committee, along with most of the members of the Legislative Council study committee and council staff, seemed in agreement on the need for rather substantial revision of the constitution.

"Early in 1959 the Advisory Committee approved the final draft of the interim report and submitted it to the Legislature, which in turn appropriated the \$50,000 for the study of revision, with control of the expenditures placed in the hands of the Legislative Council's study committee.

"For some reason there was



considerable delay in 'getting organized' after the appropriation was made. Eventually, a research director was employed and a joint meeting was held in 1960.

#### Research Effort Shifts

"The research director indicated that some task forces or study committees had been set up and were at work. An article by article, section by section analysis of the constitution was to be undertaken. The report of the director was generally commended and success at last seemed eminent.

"Then something happened. So far, no one has been able to pin down the source, or exactly describe the result — but suddenly the entire research effort was directed toward denying the need for revision.

"What happened? From somewhere the orders came that the constitution was not to be revised, and the study and research should furnish the proof. In this manner, no one in a prominent position would be in the position of opposing revision. Instead the 'condemnation' would be made by a nameless, anonymous group whose word could not be challenged since it carried the magic title of 'research'."

#### MORE

This "new approach" was evidently used, even when the research did not bear out this desired result, Dr. Davis feels.

#### Project Not Encouraged

For instance, as an acknowledged expert on constitutional law, with particular authority in the field of the Texas Constitution, Dr. Davis was requested to do research on Article XI of the Constitution, dealing with municipal corporations. At the same time, another Tech faculty member, Dr. William E. Oden, associate professor of government, was asked to research Article IX.

The professors completed this chore and sent their reports to the council's research director. Simultaneously, they sent similar reports to Dr. John Claunch of Southern Methodist University, who had begun an independent survey on the Constitution without the direction or backing of the Legislative Council.

(Dr. Davis describes the Claunch project as "the best research that was done in pursuance of H.C.R. 13," and finds highly questionable the fact that the Legislative Council did little to encourage the project.)

Subsequently, the reports by Dr. Davis and Dr. Oden were published. The reports submitted to Dr. Claunch were reproduced in their correct forms — but the Legislative Council report bore absolutely no resemblance to Dr. Davis' or Dr. Oden's research!

#### Groups' Reports Conflict

Dr. Davis continues, "Ultimately, the study committee of the Legislative Council, apparently distorting the research so as to substantiate the decision against revision, made these specific rec-

ommendations to the Legislative Council, governor, lieutenant governor and speaker:

That no constitutional convention or commission for a general revision of the Constitution is needed or desirable at the present time; that 'despite its age and alleged deficiencies,' it is still overall a sound document and generally reflects the governmental philosophy of the people of Texas; that some parts (deadwood) could be eliminated; that some sections could be brought up to date; that a future study should be made of the judicial system; and that specific recommendations suggested by the research staff might be attained by constitutional amendment."

Conversely, the Citizen's Advisory Committee final report included:

(1) Reaffirmation of the committee's belief in the need for constitutional revision as set forth in the interim report of 1959;

(2) Removal of obsolete and repetitive materials and a better arrangement and organization (by amendment); and

(3) The creation of a Constitutional Revision Commission.

#### Two Measures Introduced

This commission would make a thorough analysis of the research director's final report, and other research on the Texas Constitution, then recommended to the Legislature the substance of the procedure for constitutional change.

After the reports had been received by the 57th Legislature, only two measures were introduced late in the session.

One, HJR 79, introduced by Miller of Houston and Latimer of Abilene, proposed a constitutional amendment to the amendment process, Article XVII. The object of the proposal was to permit amendments for the elimination of the "deadwood." Another, S. B. 470, introduced by Senators Schwartz of Galveston and Moffett of Chillicothe, proposed the creation of a Constitutional Revision Commission of 45 members, as the Advisory Council recommended.

Neither bill passed. And in addition, several members of the Legislature feel that there is no likelihood in the foreseeable future of any further action on constitutional revision.

#### League In Favor

One staunch supporter of revision, Rep. Reed Quilliam of Lubbock, is among those who are puzzled, and pessimistic about getting legislation passed for revision, at least in the near future.

"If the public does not demand a change, there just won't be anything done," Quilliam said, "and the issue of revision of the Constitution will die the slow death of public apathy."

In the event of the outbreak of widespread public interest, Quilliam favors the constitutional convention method of revision, with

delegates elected expressly for that purpose. Political office holders would be ineligible to be delegates under Quilliam's plan.

Another powerful supporter of revision is the Texas League of Women Voters, well-known for its non-partisanship in politics.

The league, locally and on a statewide basis, also favors a constitutional convention, and has spent years advocating reform in this area, bringing pressure on the Legislature whenever possible, and conducting reliable polls to prove their contentions. Fortunately for revisionists — and unfortunately for revision opponents — temporary failure or discouragements seem only to add impetus to league efforts and enthusiasm in this area.

Another irony, in a story that has almost as many unusual features as the Texas Constitution has amendments, is that all of the polls taken by the league and others show overwhelming disapproval of the Constitution by the general public in all walks of life!

For instance, a survey conducted in 25 communities in Texas in February, 1961, by the League showed a whopping 74.1 per cent expressing dissatisfaction with the present document. Only 6.3 per cent thought it was adequate and effective; and 17.3 per cent held no opinion. Complete revision was called for by 61.1 per cent of those expressing dissatisfaction.

Then why is revision not accomplished?

#### A Fear Of Change

Dr. Davis believes that there are several reasons: First and foremost, there is fear, which enters into most of the other reasons. Fear of change, fear of the unknown, fear of losing the advantages of the status quo and fear of democracy itself, all of which either knowingly or unknowingly influence the thinking of some.

Secondly, lack of interest by the average Texan and also among some of the leaders, plays its part, Dr. Davis says. The small hard core of positivists currently concerned with the program consists chiefly of the members of the League of Women Voters, "mild positivists" in the legal profession and government professors, such as Dr. Davis, and most other professors of political science. The rank and file of citizens of the state will tend to wait until a real crisis develops before working up any interest.

#### Interest Groups Opposed

Also, vested interest groups and those who represent them as lobbyists generally oppose taking a chance on change, even where the possibility is remote that they might receive a less favorable provision in a new Constitution.

Finally, the status quo attitude always holds up a heavy hand against change. "What was good enough for our fathers is good

enough for me," is a statement which is frequently heard — even where the situation has changed radically from that time.

But all this is not to say that any of the revision proponents are "giving up." To them it simply means that more work has to be done, in arousing public sympathy and action; in electing more legislators with favorable viewpoints on revision; and in bringing pressure to bear on elected officials to "revive revision."

Dr. Davis has two current projects concerning the Texas Constitution.

One of these is the writing of a new article on local governments, in collaboration with Dr. Oden. This article, with annotations and explanations is being drafted by Dr. Davis and Dr. Oden in the hope that it might be submitted as a constitutional amendment to replace the "incomplete and scattered references to that subject" in the present Constitution.

"The amendment would be a final effort to perhaps get some piece-meal revision of the Constitution in the light of the failure to achieve any semblance of wholesale revision," Dr. Davis says.

#### System Is Costly

Another project, perhaps the main one, is a study Dr. Davis is preparing, and which may be assembled in book form. It includes a description and narrative of "the rise and decline of the movement for Texas Constitutional Revision," as previously described, and an analysis of the currently in-use Constitution of 1876, to "fix the blame" for its deplorable state.

Among the data Dr. Davis, the league and others have assembled are facts concerning the cost of elections and amendments; the "cluttering up" of the Constitution by amendments; and the difficulty of operating a mid-20th century government under the outdated Constitution of 1876.

Also, Dr. Davis reports, as the state has become urban and industrial, rather than rural and agrarian, and modern government has become more complex and expensive, constitutional revision is needed to effect more efficiency and economy in government operations.

Dr. Davis cites the complex of "special funds" in the Constitution as an example of inefficiency and economic waste.

"Frequently, we have some funds in the 'red' and others with a surplus, rather than being able to maintain a budget balance of revenue and spending," he added.

Dr. Davis is dedicated to the proposition that it costs Texas taxpayers thousands of dollars a year in amendments, special elections and maintenance of a government that is still trying to operate under the conditions of 1876.



dealing only with the most fundamental precepts of our state government. Over the years we have been writing into our Constitution matters that are statutory in nature. AT NEARLY EVERY ELECTION OUR PEOPLE ARE REQUIRED TO VOTE ON THE MOST MUNDANE MATTERS OF GOVERNMENT ABOUT WHICH THEY ARE OFTEN ILL-INFORMED. WE SHOULD CEASE THIS PRACTICE AND PUT THE RESOURCE OF THIS STATE BEHIND A THOROUGH REVISION OF OUR CONSTITUTION." The emphases are ours.

All the bills relative to revision that the League will concern itself with in the 58th Legislature can be characterized as byways - contributing to the ultimate goal of citizen participation in complete revision. Each can be considered a prior step, and an effort to "put the resources of this state behind a thorough revision of our Consitution."

The tenacity of League legislative effort is best demonstrated by SB 12 and HB 8 - the "Little Hoover Commission" for research on the Executive Department. All through the 57th Legislature in 1961, both regular and special sessions, the League worked with the sponsors to secure passage of this important research step. Despite our best efforts, it failed in the Senate each time. And now, as this is written, we have seen the easy, early passage of SB 12. It is probably safe to predict that research on the Executive Department will begin in 1963.

Much more difficult to pass and in need of all the extra effort that the League has is SB 31 - HB 285, the Constitution Commission to continue and complete the research begun under HCR 13. We would hope that such a Commission would prepare the "working papers" necessary for a Convention - basic materials on all areas of the Constitution which would form the basis for proposing substantive changes. If money was hard to get for research in previous sessions of the legislature, it will be no easier in an "economy-minded" one either. The Texas Press Association (weekly and non-daily newspapers) stated at the Texas Election Law Study Committee hearing that the approximate cost of publishing the 14 proposed amendments prior to the November 1962 election was about \$250,000 (some \$17,850 each). That kind of money would buy a lot of research and Texas citizens will face a similar ballot in 1964, if not sooner. The Citizens Advisory Committee had estimated that \$150,000 would do the research contemplated under HCR 13. Only \$50,000 was appropriated and the research is incomplete.

Can we sell our case to the public and to legislature on the cost of this kind of piecemeal revision? How much effort should the League make on this point? Is it relevant that if an adequate amount were appropriated now for good, objective research on the whole document, much more would be saved in the long-run? Are we prepared to work in this direction - in the 58th Legislature?

While efforts are underway to secure more thorough research, both on the whole document and on the Executive, other previous studies have produced proposals for reform in the judiciary article. The League supports the State Bar Association's proposed Constitutional Amendment, HJR 45, to abolish Justice of the Peace Courts by local option and to transfer their jurisdiction to a Circuit Court of record whose judge would be required to be a licensed attorney. This bill is consistent with the positions League members arrived at during our 1959 judicial structure study.

And what of the "deadwood"? A sweeping amendment to eliminate all those parts of the Constitution declared superfluous and out-dated by the Texas Legislative



Council's HCR 13 research report was introduced in the 57th Legislature. The League supported this "deadwood amendment" then even though we were uncertain about the amount of agreement necessary or prevailing on what was really "dead." That same situation still exists with the introduction of HJR 79. Elimination of obsolete provisions was a strong recommendation of both the Texas Legislative Council and the Citizens Advisory Committee, and the League has concurred.

Where shall we place our strongest emphasis in the 58th Legislature? What shall our citizen education efforts be through the remainder of this biennium? What can they be?



April 11, 1963

TO TEXAS NEWSPAPER EDITORS:

The League of Women Voters of Texas has a long history of interest in constitutional revision. One of the major emphases of the League for several years has been the need for a Constitutional Commission to provide the research necessary for revision.

A proposed bill to set up such a Commission will be heard by the Senate State Affairs Committee on Wednesday, April 17. The League will appear before the Committee and present a statement in support of the Bill.

The enclosed material is being sent to you as background information on this important topic. We sincerely hope that you will find it possible to join us in our efforts at citizen education on the need for research leading to revision.

Sincerely,

Mrs. Maurice H. Brown, President

encl: How to Revise  
Texas Constitutional Revision Digest  
Briefcase for Revision  
Senate Bill 31 substitute  
Analysis of Senate Bill 31  
Texas Constitutional Revision Leaflet



April 11, 1963

TO FRIENDS OF CONSTITUTIONAL REVISION:

Once again we feel your support for important legislation in the field of Texas Constitutional Revision is urgently needed.

Senate Bill 31 (Schwartz) for a Constitutional Commission has been referred to the State Affairs Committee and a hearing is scheduled for 2:00 P. M. Wednesday, April 17, 1963. At that time, the League will testify in favor of the bill. As you recall, establishing such a Commission was a strong recommendation of the Citizens Advisory Committee for Constitutional Revision (HCR 13, 55th Legislature) as a result of its work and the research of the Texas Legislative Council.

We are attaching a copy of the Bill as well as a brief summary of its provisions for your quick perusal.

Attached to this page is a list of the members of the Senate State Affairs Committee. Will you write or wire (you are familiar with the Western Union rate of 75¢ for a 15-word message to a legislator) members of the State Affairs Committee who represent you or whom you know personally, of your interest in this Bill? If you are not represented on the Committee, will you contact your own Senator asking for his help in securing a favorable Committee report?

As you no doubt know, Governor Connally, in his January message to the Legislature, emphasized the necessity of putting an end to piecemeal revision of the Constitution. An expression of your support of Senate Bill 31 to the Governor will also be helpful.

If you live in or happen to be in Austin on April 17, we hope you will take time to attend the hearing.

Sincerely yours,

Mrs. Maurice H. Brown

Encl: Senate State Affairs Committee  
Copy of Senate Bill 31  
Analysis of Senate Bill 31  
LWV Research leaflet



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T C R  
EXAS ONSTITUTIONAL EVISION

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ALKS

League of Women Voters of Texas  
612 North 18th St., Waco, Texas  
September, 1962  
Price 5¢



TIPS ON TEXAS CONSTITUTIONAL REVISION TALKS  
For Community Organizations, Television and Radio Audiences

TIPS INSTEAD OF OUTLINES Has your Speakers Bureau had fewer calls for TCR topics than for other subjects? Have you had trouble finding League members willing to make speeches on revision of the Texas Constitution? Do those you approach with high hopes because of their own lively response to Texas' problems turn you down because they do not feel competent to deal with this complex subject? Is your Board wondering if your League actually can take effective action on TCR through the Speakers Bureau?

The experiences of a number of you seem to say YES to these questions. Rather than offer you speech outlines which would inevitably require hours of individual work before your speech emerged, we bring you suggestions on a variety of factors involved in talking about TCR in the community. We hope some of these, skimmed from the evaluations and recommendations of many League people like yourselves, will assist you to increase and strengthen your League's promotion of Texas constitutional revision by talks to community groups and to television and radio audiences.

PLAY THROUGH STRENGTH Planning for TCR speeches must allow for a challenging combination of 1) complex subject, 2) too few League members admittedly thoroughly familiar with the subject and ready to speak on it, 3) large numbers of enthusiastic League "non-experts" on TCR, 4) countless clubs and civic groups in the market for short programs, 5) their hundreds of members ill-informed and disinterested in matters of state government.

What advantage can the League pluck from this bundle of seemingly contradictory factors? A close look reveals a potentially valuable resource if 1), 3), and 4) above are matched with care. Why not combine a greatly increased roster of League "talkers" (not speechmakers) with the expanding market for short talks on one or two facets only of the constitutional kaleidoscope? The willingness of many members to take on limited jobs is a strength the League can utilize to fill the urgent need for speakers.

Leagues will, of course, continue, as they can, to develop speakers who are equipped to answer the rare calls for full presentations on TCR. You will notice that some of the tips apply to such speeches rather than to the brief, informal talks this memo features.

GETTING "TALKERS" Start where you are in Board or committee meeting. Although these women, already responsible for a full load of work, do not have time for elaborate preparation, they all know something about TCR, are acquainted with handy tools like BRIEF CASE, and respond strongly to one or more inadequacies of the Texas Constitution. Enlist them to talk very informally for no more than ten minutes to a small group apt to agree with League position. Women who are not free to prepare and present full speeches will often accept a simpler assignment and enjoy the experience.

Take this enlistment a step further into unit meetings on TCR. A dialogue or panel of three persons (no more) will often interest an audience more than will one person. Panel members lend each other courage; such a team can appear comfortably before a larger group than can the single neophyte. Consider taking a later step to a workshop -- on speaker training or action in the community on Texas constitutional revision.



Enrich the roster with outside speakers, men and women who have knowledge of the subject and are willing to stress the League approach of good research. You may also find an expert from a nearby League willing to accept calls. Leagues geographically close can cooperate to good effect in building this section of the roster.

GETTING AUDIENCES Try for attention-getting (but not tabloid) titles to include in the list your Speakers Bureau sends annually to club program chairmen. Ask your public relations chairman, who keeps in close touch with the community, to help prepare a list of people whom you can approach on the basis of special interest. Then telephone them to offer the TCR talk that you think will match their program goals. Advance information about a League state-wide press release on TCR could be the signal for similar calls to selected groups. Also, holidays and important dates in Texas history will suggest adaptations of the TCR subject that will tailor it for particular groups.

Encourage all League members to volunteer to talk for ten minutes in a neighborhood coffee hour, sewing group, garden or bridge club - in sum, in any small, informal gathering where a person-to-person approach is natural and easy. Practice of this sort, while fostering assurance and perceptiveness in the talkers, may be able to develop a new category of groups interested to listen to and talk about issues of concern to the League.

ORGANIZING A TALK The League member will want first to establish rapport with her listeners. For this, she will draw upon her knowledge of them in choosing an opening. What will best capture attention and arouse curiosity without antagonizing the group? Will it be a "Did you know..." question? Or a "shocker" from the long list of the Constitution's inadequacies? Perhaps a capsule explanation of why the 1876 document was written as it was will have the most direct appeal for some. Others might respond best to an opening statement of the theme or goal of the talk.

Experienced speakers agree that, whatever is chosen for an opening, the theme should be made clear very early in the talk. The development easiest for audiences to grasp continues with the story of the 1876 Constitution, giving full credit to the earnest men who wrote this protective document. Next come examples of today's acute problems stemming from basic law designed for 1876. The examples selected and their number will depend on the speaker's evaluation of the audiences, on the total time available, and on the amplification she can add or thinks suitable. A ten minute talk may, without need for apology, be limited to the opening, the abbreviated history, and a summary of the effects on Texans today of one or two provisions of the Constitution.

The conclusion should embrace brief reference to the League's role in revision -- brief, since non-League audiences care little about this. Emphasis should fall instead on how changes can be brought about (research, methods of revision) and what the listeners themselves can do. The ten minute talk can leave the "how" and "what" to be brought out by questions and discussion. In fact, even longer speeches might hold back a striking point or proposal for release during the discussion period.



Few League members are ready to be quizzed on the Constitution. Therefore, the average speaker should make clear her amateur role and invite discussion of shared problems rather than questions on legal minutiae. This is one way she could find a new basis of rapport with the audience. Restating the principal points of the theme clarifies what has been said and sharpens impressions the audience takes home. This summation usually comes in the closing section of a talk but might follow the open discussion.

Since the League's purpose is to stimulate wide-spread interest in the Constitution and serious concern for its revision, every talk or speech on TCR should allow time at the end for audience participation. The discussion period is an integral part of the plan. A lively give and take provides members of the audience greater stimulus, more satisfaction, than simply listening and going home. Its favorable climate nourishes the tiny seeds of interest that grow into action.

TCR'S LIVELY ISSUES These change very little from one year to the next. If the selection of specific problems for the body of the talk is not made easy by the particular interests of audience and speaker, the following are recommended as having some priority today:

- 1) Large number of amendments submitted biennially. (A basic framework of law would not require such frequent amending.)
- 2) Lack of power of the governor. (Without power to appoint key officials responsible to him, his only tools for carrying out his ideas in a sprawling administrative organization are his prestige and his powers of persuasion.)
- 3) Financial problems. (Earmarked funds, numerous financial agencies, but no central office of finance result in a complex, uneconomic financial administration.)
- 4) Ineffective judicial system. (Overloaded dockets, anomaly of two final appellate courts, uncoordinated and related court administration, all are characteristic.)
- 5) Limiting aspects of the Constitution. (For example, it provides an identical pattern of government for all counties regardless of their population.)

KEEPING YOUR AUDIENCE WITH YOU Assuming that most audiences a League member addresses have little if any initial interest in or practical information about TCR, time is a vital factor. Experienced speakers concur in saying that twenty minutes is the maximum time allowance for a successful talk and that good discussion runs from ten to twenty minutes. They observe that this is ample time to arouse the appetite for information. More would satiate it. For the rare audience of already informed people seeking discussion in depth, this would not apply. Send or recommend an expert.

Visual aids, something to look at, help immeasurably to hold audience attention, we all agree. But the aids must be well done -- easy to see, easy to understand, and attractive (no amateurish printing). Otherwise, the audience will, perhaps unconsciously, write off the League as inept. The simple act of changing signs, charts, pictures, or slides helps focus attention. This is true too of picking up and later posting in full view a sheet of neatly mounted editorials and news stories from which you quote a sentence or two. To help an audience remember key points or topics, a blackboard or butcher paper, plus a grease pencil can be used by the speaker to write down a few words that will pinpoint each topic



as she introduces it. Main topics should be limited in number.

Many people, faced with a complex and difficult problem, quite naturally and unconsciously seek refuge from any demand to think or act by setting up weightless arguments (such as, the Constitution is a "sacred" document and untouchable). Cutting off for examination a single piece of a huge, confusing subject like constitutional revision reduces it to manageable size less apt to frighten new audiences and new speakers alike. Consideration of one part of the problem and one safe step towards correction having proved bearable, timid or very busy people will be encouraged to take a longer look another day.

TELEVISION AND RADIO PROGRAMS Availability of program time differs widely from city to city. During a preliminary interview with the program director of the station, you will not only strive to interest him in your ideas for a program. He will acquaint you with the station's policies governing subject, types of programs, free broadcast time, and so on - useful information to have on file.

First, what is the policy of the station on "slanted" programs? If the policy is one of approval of League positions on TCR, one obstacle is eliminated. If the policy is neutral, the station will accept the League program only if several views are expressed. In the latter case, an interview or panel program using prominent local persons as participants will be most likely to gain acceptance by the station. Moreover, the appearance of well-known citizens on a League-sponsored program attracts listeners and earns prestige.

If the League is granted more than a few minutes for TCR or is given free rein for something other than an interview conducted by a staff person, the League will wish to enlist its best speaker for the occasion. A 1958 memo from the national League office says: "Openings" The opening of a radio or television program is extremely important. If it does not catch the attention of the audience, the station may be tuned out. On the other hand, the opening should give some idea of what is to follow so that it doesn't mislead the audience into thinking it is something it isn't."

The program director who plans to have League representatives interviewed on constitutional revision will probably expect the League to suggest questions on the subject. General agreement as to what will be said and what will be displayed is usually reached in advance. Careful preparation in terms of the station's limitations will assure the League a good production and a welcome the next time it has a program to offer. In areas where more than one League is served by a station, cooperation between Leagues (exchange of information about program plans, occasional joint effort) is a necessity to prevent loss of good will arising from frequent separate requests for program time.

RESOURCES The state PUBLICATIONS CATALOG is your first resource. Next and newest is the Bibliography attached to the every-member tool, CURRENT REVIEW of TCR, dated September, 1962. Here are listed the League's materials on the subject and other reference items as well. Most of these you will already have at hand. A BRIEF CASE FOR REVISION and the TCR leaflets will be invaluable to beginners organizing the capsule-type talk. TEXAS LAW REVIEW for October 1957 and the TEXAS ALMANAC for 1961-1962 supply details for those wishing to document or elaborate on points. These too are probably in your local League files.



Exploration of the files will undoubtedly turn up treasures - speeches, and speech outlines from previous years, reprints of articles and editorials. None of these is really out-of-date. However, up-to-date pertinent articles and editorials from local papers are powerful aids to local League speakers.

The best resources are the powers of imagination, perception, intelligence, and good judgment of League members. Exercised fully, they will kindle and direct numerous ideas for ways to lead through strength and notably increase the effectiveness of Texas constitutional revision.



# League of Women Voters of Texas

2114 SEALY AVENUE

• GALVESTON, TEXAS

March 26, 1962

TO: Local League Presidents and Texas Constitutional Revision Chairmen  
FROM: Mrs. Herbert C. Martin, State Texas Constitutional Revision Chairman  
RE: How To Revise the Texas Constitution Consensus

Reports were received from 31 Leagues. 23 made a study of How to Revise The Texas Constitution. 20 Leagues reported reaching consensus. Information on the number of members participating and the type and number of meetings held was incomplete. 13 Leagues reported holding from one to three unit meetings and seven held general meetings. Three Leagues (Edinburg, Houston and Odessa) reported holding both, with Edinburg having an additional public meeting. Approximately 448 members were reported having participated in discussions. (10 Leagues making the study did not report on number of members.) Few minority opinions were reported. Some Leagues did not report on all issues given in this consensus report.

## SUMMARY OF REPORTS:

### Most preferable method

- 19 Leagues prefer a Constitutional convention, with one League wanting an "all out"..."do or die" effort.
- 1 League prefers a constitutional Commission, followed by a legislative constitutional convention.

### Least Preferable method

- 5 Leagues think the legislature serving as a constitutional convention to be the least desirable.
- 9 Leagues think the single amendment process least desirable.
- 1 League believes the constitutional convention least preferable.

### Flexibility of League position

- 16 Leagues desire flexibility to allow for League support of alternate revision proposals. (Rest failed to report on this issue.)

### When preferred method would be less desirable

- 5 Leagues said a constitutional convention would be less desirable if it were not preceded by research and/or preparation.
- 4 Leagues feel a constitutional convention would be less preferable if it were limited or restricted.
- 3 Leagues believe a constitutional convention less desirable if composed of unqualified or controlled delegates.
- 3 Leagues feel a constitutional convention less preferable if it should prove too costly.
- 1 League said a legislative constitutional convention would be less desirable if the legislature were pressured.

### When least preferred method could become more desirable

- 2 Leagues feel the amendment process more desirable if Article 17 were amended, 1 League if used only for pressing problems, 1 League if more study were given amendments, and 1 League if deadwood were removed and counties given more power.



- 1 League feels a legislative constitutional convention could become more desirable if legislature refuses any other way, 1 League said this process could become better if a citizens advisory committee were appointed by the governor to assist, and 1 League would like it better if the convention could be held at a time other than the regular legislative session.
- 1 League feels a constitutional convention would become more desirable if composed of intelligent, objective persons from all walks of life.

#### Minority opinions

- 2 Leagues - no compromise on a constitutional convention.
- 1 League - work for revision of the whole constitution only.
- 1 League - legislative constitutional convention preferable.
- 1 League - legislative convention preferable if reapportioned.
- 1 League - constitutional commission preferable.
- 1 League - legislative convention could be more desirable if it had time to study the matter.
- 1 League - legislative convention least preferable.

#### Suggestions

- 9 Leagues stressed need for more research and advance preparation.
- 4 Leagues stressed need for more citizen education.
- 4 Leagues stressed need for study of specific areas.
- 4 Leagues stressed importance of nonpartisan convention delegates.
- 4 Leagues stressed desirability of a constitutional commission in the interim preceding a constitutional convention.
- 5 Leagues reported wanting no limitations or restrictions on a constitutional convention.
- 1 League wants a limited delegation for a constitutional convention.
- 1 League wants only elected delegates to a constitutional convention.
- 1 League wants to select delegates according to popular areas.

The Texas Leagues can be proud of the results of the Methods study. The reports show clearly that League members have reached a new level in understanding the nature of legislative accomplishment on a position. For it is evident that League members prefer a Constitutional Convention as the method of revision most inclusive and least politically vulnerable.

At the same time it is equally apparent that League members are cognizant of the need for flexibility in our approach to this ultimate goal. A Constitutional Convention is not for 'today,' but rather 'tomorrow,' and should be preceded by many careful steps which will provide for adequate preparation and an atmosphere for effective and meaningful results.

In view of the above evaluation of the Leagues' work and consensus on HOW TO REVISE we can now add to the positions listed under the proposed TCR Continuing Responsibility item:

- D. Support for a Constitutional Convention and prior work for measures to insure its success.



"HOW TO REVISE"...A TCR Skit

...Based on "How to Revise" pamphlet. To be used at March TCR unit meetings.

Characters: two LWV members and one Legislator.

Scene: Office of Legislator, where the two ladies are interviewing him.

Suggested Props: appropriate hats, perhaps a cigar for the Legislator.

Instructions: To be read by TCR Committee member and two other Leaguers. Read slowly in a conversational tone, while seated.

Legislator: Now dear ladies, what is it that takes such CHARMing YOUNG ladies away from their lovely homes, children, bridge games...on such a fine afternoon....?

LWV #1: Well, Mr. Legislator, we want to discuss revising our Constitution with you. Just HOW it can be done. The methods, and so on.

Legislator: Our Constitution? My, my. A very complex matter for such CHARMing YOUNG ladies.....did you ladies ever try gardening? Garden clubs are SO NICE for ladies....ah, well, I see you're determined.....How to revise... there are just two ways it can be done: one is by a Constitutional Convention; the other is by the Legislature. Both ways need the Legislature to start things, and to pass on the results, and of course don't forget that the people have to vote on any change at all, whichever way it's made.....Now you ladies would probably prefer a Convention, isn't that right?

LWV #2: Yes, sir. We feel that a Convention is more democratic since delegates to it are elected directly by the people....each one chosen for this one purpose only.....because he is an outstanding citizen...of well-known character....and trusted to do an important job for the good of the community as a whole....NOT elected to represent any section or interest....

LWV #1: Yes, we think the whole thing belongs more to the people as a whole if done this way. And, too, this is the oldest way of doing the job...all five of our previous Constitutions were written this way, as was the US Constitution.

Legislator: Well, I suppose you'd get prominent people to run for delegates--a one-shot job with lots of prestige attached--that would never run for any ordinary public office. But don't forget, the Legislature would have to decide the basis on which the delegates would be chosen....whether one from each county, or on a population basis...or however....

LWV #2: Yes, the Legislature would have to decide all the important details, we know that.....besides appropriating the money, setting time and place, and in fact, starting the whole process....

Legislator: But once started, dear ladies, it would be out of our hands...and that's the reason, the big reason, frankly, that lots of us don't like it... no indeed we don't.....why you couldn't tell at all WHAT KIND of a Constitution might come out of such a body...all kinds of interests would be at work on the delegates...business wanting one thing, labor another...the old folks, the farmers, the ranchers, each and every group working to look out



for itself....our old time-tested ways of doing things would all be challenged .....our special Texas ways, some of them already under fire from reform groups would be in danger.....another reason is the cost: think of that! First of all, the preparatory work, in addition to what we've already spent on research on the Constitution. We'd need lots more....by experts. Then the people would have to vote on whether to hold the convention at all --- that costs a million dollars!

LWV #1: Well, we would save one election by balloting at one time on whether to have the convention and on the same ballot choosing the delegates.....

LWV #2: Yes, and the expense is meaningless when you think for one minute of what the state would save with improvements in our old ways of inefficiency...

Legislator: Well, that's perhaps right...It's the other reason, the unpredictable outcome of such a convention, that's the real stopper.....Ladies, I just don't think the Legislature, with its responsibility for doing what's best for everybody, is ever...in the near future...going to turn things over to...(shakes head)

LWV #1: But couldn't we have a restricted convention?....one that works on certain aspects of the constitution only.....a limited convention... considering just one or two problems....perhaps reorganizing our finances, perhaps working on just this and our welfare problems....or our judiciary... or some other pressing need.....Come now, don't you think the legislature would consider this?

Legislator: Perhaps. It'd be more likely. Of course, we change the Constitution all the time with amendments....that's partly what's wrong with it...only way a restricted convention would be an improvement would be that it might do a more sweeping job, instead of just changing details.

LWV #2: Yes, the voters are getting very tired of deciding on technical details by way of amendments.....and delegates would no doubt be chosen because they were experts in the fields under consideration...a big improvement over the amendment method.

LWV #1: Of course, there's the possibility of a Constitutional Commission.... a group chosen to advise the legislature, which then enacts what they decide on....This is a very flexible method....other states have used it.... the commission can be chosen by the legislature, just as our own 18-member Citizen's Advisory Committee was....made up of prominent citizens, given funds for research....but their role is purely advisory and can easily be undercut, as the CAC has been....unless of course there is widespread public support for what they advise....

LWV #2: But what about letting the legislature itself revise the Constitution? Wouldn't this by-pass some of their objections? Wouldn't it save money?

Legislator: Yes, isn't this more likely to happen than any other method? After all, remember, the Legislature has to take the initial step in any method, and pass on the results, too....in fact, approve by a two thirds vote..... You're right, ladies, this is the most likely way....As a matter of fact, right now the Senate has a bill before it for the creation of a Constitutional Commission....and the House has a bill which calls for deleting 54 sections



of the Constitution -- the so-called "deadwood" amendment...and also a bill which would introduce something new: that is, letting the Legislature propose revision of all or part of the Constitution as one subject, to be voted on one subject, to be voted on as one question.....instead of detail by detail, as in the current amending method. Of course all these bills were introduced late in the 57th Legislature and none every got to the floor.....but they're there, just the same.

LWV #1: Yes and our job is to interest the public in them.....and to let our dear legislators know that we're interested.....

Legislator: Well, ladies, we're always interested in knowing what you're interested in....that's what keeps us on the move.....why haven't you ladies ever gotten interested in gardening?.....now there's something nice for ladies.....or ceramics? stamp collecting? knitting? quilting bees? antiques? bridge?....



October 18, 1961

THE REVISION HIGHWAY . . . . MILE . . BY . . MILE

<u>TEXAS CONSTITUTIONAL REVIEW</u> published. <u>COMMUNITY WORKSHOPS</u> held.	1952-53	<u>STATE CURRENT AGENDA</u> : "Completion of the "Know Your State Survey" as a basis for a study of Constitutional Revision.
	1954-55	<u>ALL "KNOW YOUR STATE" SURVEY</u> sections completed; Bill of Rights; Legislature; Executive; Administration; Judiciary; Finance; Education; Health and welfare; State-Local Relations; Political Parties and Elections; Constitutional History and Methods of Revision.
<u>HOUSE CONCURRENT RESOLUTION</u> drafted. <u>PRECINCT, COUNTY and STATE CONVENTIONS</u> endorse resolution for a Constitutional Commission.	1956	<u>STATE CURRENT AGENDA</u> : "The League of Women Voters will work for revision of the State Constitution. (A) Build public opinion for revision. (B) Support measures calling for research in state government, and recommend the formation of a Constitutional Commission for this purpose. (C) Study specific areas of state government so that the League may be able to recommend or support needed constitutional reforms."
<u>HOUSE CONCURRENT RESOLUTION 13</u> passed by Legislature and signed by the Governor on May 23, 1957. It directs research by the Texas Legislative Council and the appointment of a Citizens Advisory Committee.	1957	<u>TWO MEMBERS OF STATE BOARD</u> of League of Women Voters of Texas appointed to Citizens Advisory Committee.
<u>STATE CURRENT AGENDA</u> : "The League of Women Voters will work for revision of the State Constitution." <u>PRECINCT, COUNTY and STATE CONVENTIONS</u> endorse resolution for a research appropriation.	1958	<u>FIVE LEAFLETS</u> - sharp reminders on need for revision. <u>NINE PRINCIPLES</u> for a State Constitution adopted by Sixth Biennial convention.
<u>\$50,000 APPROPRIATED BY LEGISLATURE</u> for research by Texas Legislative Council. <u>PILOT PROJECT</u> : "Study of Constitutional Provisions for an Effective Judicial Structure."	1959	<u>CITIZENS ADVISORY COMMITTEE</u> Interim Report issued.
" <u>BRIEF CASE FOR REVISION</u> " published - gives reasons WHY Texas Constitution should be revised. <u>TEXAS LEGISLATIVE COUNCIL</u> studies Constitution briefly; publishes report disagreeing with League stand on revision, but agrees that fifty "deadwood" sections should be removed promptly. <u>CITIZENS ADVISORY COMMITTEE</u> recommends legislation to remove all fifty "deadwood" sections at one time (an amendment voted upon by the people will be needed), also, creation of a Commission to evaluate and complete Texas Legislative Council research.	1960	
<u>LEAGUE OF WOMEN VOTERS</u> helps draft bills to carry out recommendations of the Citizens Advisory Committee.	1961	



# League of Women Voters of Texas

2114 SEALY AVENUE

GALVESTON, TEXAS

October 10, 1961

TO: Local League Presidents and Texas Constitutional Revision, Public Relations and Publications Chairmen  
FROM: Mrs. Herbert C. Martin, State TCR Chairman  
RE: Further use of "HOW TO REVISE THE TEXAS CONSTITUTION" - A pamphlet on Methods of Revision

Information gained from local League bulletins and other types of communication indicate that most Leagues have already scheduled discussions on the subject of methods of revision of the Texas Constitution, which is covered in the August 1961 pamphlet "HOW TO Revise the Texas Constitution."

In addition to use among League membership, there are many other ways of distribution by which we can interest more people in "HOW TO. . ." revise the Constitution. Each local League can greatly assist the goal of obtaining complete revision of the state document by seeing that copies of the pamphlet reach as many persons in the community as possible.

Although the pamphlet has not been mimeographed in great quantities, a good supply is now available and more can be reproduced if the demand justifies making more copies. The price is only 25¢ each. The pamphlet is designed for reading by all interested citizens and it should be well received -- and appreciated -- by those whom you have cultivated previously regarding revising the Constitution.

Here are just a few uses which you may want to consider in addition to other plans that you will think of in connection with methods of revision:

1. Give to legislators from your district.
2. Supply to candidates from your area before the 1962 elections.
3. Several copies to your public library.
4. Copies to school libraries and governmental classes.
5. Mail to selected persons from the 1960 Opinion Survey list.
6. See that each newspaper editor and other feature writers have a copy.
7. Take copies to local television and radio stations.
8. Hand to local citizens who have expressed a friendly attitude towards TCR in general.

It would be most helpful if, when you send your letter listing agreements about methods of revision, (deadline February 15, 1962), you would mention any distribution outside your membership. And do let State Office know of any comments from persons to whom you give the pamphlets.



# League of Women Voters of Texas

2114 SEALY AVENUE

9

GALVESTON, TEXAS

October 10, 1961

TO: Local League Presidents and Texas Constitutional Revision, Public Relations and Publications Chairmen  
FROM: Mrs. Herbert C. Martin, State TCR Chairman  
RE: Use of Revised edition of "BRIEF CASE FOR REVISION OF THE TEXAS CONSTITUTION."

Enclosed in this mailing are four copies of the new 1961 edition of BRIEF CASE FOR REVISION OF THE TEXAS CONSTITUTION" - one each for the four persons to whom this memo is addressed.

Major changes -- required because of the Texas Legislative Council and Citizens Advisory Committee reports, as well as other developments on the TCR highway -- were made on pages two and three of the revised Brief Case. Incidentally, the new quote substituted on the bottom of page two is taken from those acquired during the 1960 Opinion Survey concerning TCR.

For your convenience, an order blank for use in ordering the new Brief Case is enclosed. Only 5000 of the new edition have been printed -- as compared with 20,000 of the 1960 issue. This reduction in number was necessary because the state budget could not at this time allow for a larger quantity. It is hoped the 5000 will prove sufficient for the rest of this League year. Orders will be filled as long as the supply lasts.

It is suggested that the local Leagues will find the revised Brief Case a convenient and useful tool to distribute in the following ways:

1. Give to legislators from your district.
2. Speaker's Bureau activities.
3. When discussing "How to Revise" - the new Methods pamphlet.
4. For up-dating "old" members and orienting new ones.
5. For prospective membership coffees.
6. Mailing to interested persons on the 1960 Opinion Survey list.
7. Take to newspapers and other feature writers.
8. Take to local television and radio stations.

Do let us know how you made distribution outside of your membership.



# League of Women Voters of Texas

2114 SEALY AVENUE

GALVESTON, TEXAS

- - -ON STANDING ORDER- - -

September 1, 1961

TO: Local League Presidents and Texas Constitutional Revision Chairmen  
FROM: Mrs. Herbert C. Martin, State TCR Chairman  
RE: HOW TO REVISE THE TEXAS CONSTITUTION--A pamphlet on Methods of Revision

The possibility that steps could be taken towards revision of the Texas Constitution in any session of the Legislature clearly points up the urgent need for League knowledge of Methods of revising the Constitution. The Citizen's Advisory Committee's recommendation that the Legislature create a commission to analyze the final report of the Research Director (Texas Legislative Council), make other studies, and finally inform and make recommendations to the people of Texas regarding revision (See April 14, 1961 Report of CAC by Mrs. George C. Boller to local Leagues) makes it doubly imperative for League members to acquire as soon as possible a full understanding about the uses and functions of commissions --as well as similar knowledge concerning the TWO ways by which a revised version of the Constitution may be presented to the people for approval.

It is hoped that local Leagues will begin now with plans to help each member become well acquainted with the purposes and limitations of the Commission process, and with the advantages and disadvantages of the two real methods of revision.

The "HOW TO REVISE the Texas Constitution" pamphlet is designed to objectively stimulate the thinking of all persons interested in re-writing our State Constitution, and to help them decide "How To..." achieve this important undertaking. Certain legislative friends--after reading a draft copy of the methods pamphlet--reported finding much new and useful information in its pages. It is hoped the pamphlet will prove especially stimulating to all League members, and that study of its content will--with the aid of other pertinent resource materials--assist local Leagues in reaching agreements regarding the best method of revision.

A customary--and very workable--League practice when reaching conclusions is to state such agreements in a way that will embody principles specific enough to permit definite kinds of League action; yet broad enough to allow ready response if and when somewhat different yet definitely related and desirable legislative measures are proposed. One important first lesson about good legislative techniques is to allow leeway for pursuing other related and progressive--though sometimes less acceptable--channels of action in the interests of the League position, particularly at times when our first choice is (at least for the moment) unattainable. In other words, shall the League work for and support ONLY an all-or-nothing plan for Constitutional revision, or shall the League state its long-range goal and agree to work for one or more interim plans as representing immediate progress?

With these agreement possibilities in mind, it is suggested that during discussions of "How To..." revise the Constitution local Leagues may find consideration of the following points useful:

1. Of the methods of approach to revision, which is the most preferable? Which is the least preferable?

2. Are there any conditions under which the most preferable method could be less than desirable? Under which the least preferable method could become more desirable?



Page 2--To: Local League Presidents and Texas Constitutional Revision Chairmen  
From: Mrs. Herbert C. Martin, State TCR Chairman  
Re: HOW TO REVISE THE TEXAS CONSTITUTION--A pamphlet on Methods of Revision.

3. In the eventuality of legislation arising for a method other than that preferred by the League, should the League be in a position to support alternate revision proposals? In other words, should there be flexibility in League methods agreements which would allow other action routes within League principles concerning constitutional revision?

Doubtless your discussions will bring to light many other pertinent points which you will want to develop on this subject. Please do not feel limited in any way to the four preceding discussion points. These are intended as suggestions only to aid in initiating membership exchange of ideas on the subject.

Each League is asked to report to state office any agreements--or lack of same--regarding all points discussed. No form for reporting is being provided. Instead, will each League write a letter (to State Office) outlining conclusions agreed upon and stating those on which agreement was not possible, if any. (Two copies to State Office, please, with a third for your files.) DEADLINE FOR REPORTING is February 15, 1962.

It will be most helpful in determining possible statewide consensus if each League will specify the type and number of meetings held (unit or general membership). Please include number of members attending such meetings. A minimum of two meetings--with as many more as possible--is recommended to discuss "How To..." revise the Texas Constitution.

For further reading refer to sources listed under "How To Become Well-Informed" on the back cover of the pamphlet.

DEADLINE FOR REPORTING--February 15, 1962  
(Two copies for state office--one for your files)



# D I G E S T

## TEXAS CONSTITUTIONAL REVISION

(CONTINUING RESPONSIBILITY NO. I - 1962 - 1964)

### CR# I - Support of measures to promote Texas Constitutional Revision.

- A. Work to further research and revision.
- B. Expand citizen interest and participation.
- C. Support of constitutional provisions for an effective judicial structure:
  - 1) a single system of centrally administered statewide courts with a uniform fiscal policy;
  - 2) a uniform code of criminal and civil procedure formulated by the Supreme Court with legislative approval;
  - 3) assignment of judges according to special training and docket needs;
  - 4) a full-time judiciary whose members qualify to practice law in Texas;
  - 5) integration of Justice of the Peace Court functions into courts of record.
- D. Support for a Constitutional Convention and prior work to insure its success.

League of Women Voters of Texas  
September, 1962  
Price 15¢



This DIGEST is a condensation of all resource material, both League-produced and otherwise, that the League of Women Voters of Texas has on the subject of need for general revision of the Texas Constitution and how to go about it. Should legislative action, court decisions and/or new League positions gained from Current Agenda studies concerning constitutional revision create new developments, additional information can be added.

#### BACKGROUND OF THE TEXAS CONSTITUTION

When the present Texas Constitution was written in 1875 and adopted in 1876, state government throughout the United States was at an all-time low. Newspapers were filled with continuous accounts of national fraud, corruption and scandal. Conditions in Texas, where additional problems created by the Reconstruction period existed, were equally turbulent.

Prior to 1869 the State of Texas had had but two constitutions--the original constitution adopted in 1845, a short, basic document considered one of the best state constitutions of that period and the 1866 constitution which was basically the same as that of 1845. Under the 1866 constitution, steady progress was made in restoring order out of the post-Civil War chaos. However, a military rule established by the National Reconstruction Acts passed in 1867 was unpopular. In general, Texans disliked the state government system under which they were forced to live.

But real trouble began with adoption of the 1869 constitution required as a prerequisite for re-admission to the Union. Basically, the document was considered sound although it contained some objectionable features. For instance, bitter resentment resulted from provisions for a state public school system and compulsory attendance law--chiefly due to this being forced on the people. But, it was the administration of the constitution that made it so unpopular. History recounts the ensuing period as a regime of oppression, corruption, graft and blackmail, which advocated centralization of government and increased state expenditures, state taxes and state debts.

For example, the legislature delegated such extraordinary powers to the governor as 1) complete power over registration of voters, 2) appointment of numerous state officials who had previously been elected, 3) power to appoint governing bodies of cities and towns and 4) placed both the militia and police systems under arbitrary will of the governor. The governor then proceeded to abuse these powers to an extent that such abuses and extravagances became almost unbearable. The people found themselves under control as military as that experienced under the previous post-war commanders. Laws were so handled that the life and liberty of every citizen were subject to the will of the governor.

The judiciary under the 1869 document was also severely criticized. Judges were appointed by the governor and because there were not too many honest and competent men available in that period many judges who served were not only untrained but dishonest and unscrupulous.

Thus, it is understandable that the people of Texas feared the executive, distrusted the legislature and, due to extravagances and general hard times, demanded extreme economy in state finances. Consequently, when the ninety constitutional convention delegates assembled in Austin in 1875 to write a new constitution,



they were determined to include as many safeguards as possible to prevent recurrences of abuse of power. A major goal was to allow no one branch to dominate---the prevention of which would result from restraint of the other branches. Typical of state constitutions of the period, the constitution was designed to prevent the state from governing--in contrast to the United States Constitution which permits governing.

#### BRIEF ON THE 1876 - 1962 CONSTITUTION\*

The power of the governor is decentralized by vesting power in other executive officers, most of whom are elective. Further executive restraint is provided by reduction of the governor's salary and limitations of his powers by listing his duties. Although the governor is responsible for execution of the laws of the state, the constitution gives him no power to carry out this mandate. Although he makes appointments to numerous boards and agencies, (subject to approval of the Senate), rarely is a governor in office long enough to appoint a majority to any board. He has no legal power to remove or otherwise effectively control any appointees. Elected heads of state departments are not responsible to the governor. Neither are other members of the executive department.

The Constitution provides for the election of all judges for all courts in the State. Critics contend that this system places politics in the judiciary; that the electorate usually is not well informed regarding the ability of judicial candidates and that some state official (the Chief Justice of the Supreme Court has been suggested) should be responsible for the performance of all presiding judges. (The judiciary article has never been satisfactory. In 1891 it was completely revised--when the Court of Criminal Appeals was created. The Article has been amended several times since then. A 1945 amendment increased the Supreme Court from three to nine members. One in 1948 provided for a retirement system for judges. The term of county judges was increased from two to four years in a 1954 amendment. The State Bar Association and the League of Women Voters of Texas have made proposals for further changes in the Judicial Article.)

Certain economies are prescribed in the Constitution. One such economy is the provision for biennial sessions of the legislature (previous constitutions called for annual sessions). Although subsequent amendments have at least partially corrected other legislative economy measures, the original document cut legislators' salaries to almost half of previous amounts. The Constitution limits debts which the State may incur to cover deficiencies and carefully lists major items for which taxes can be assessed.

Legislative procedure rules (formerly left to the discretion of the body) are carefully spelled out in the Constitution, e.g., requirements of three readings of a bill before passage and a provision whereby no measure could be introduced in contradiction to earlier propositions in the same session. (Critics point out that the former procedure wastes valuable time and the latter delays passage of legislation that is often badly needed).

\* See TEXAS CONSTITUTIONAL REVIEW and BRIEFCASE, League publications



Notwithstanding the many limitations and restrictions on the legislature, the Constitution is nevertheless characterized by the great powers given the legislature as against those given the executive and judicial branches. In few governments--national or state--is the legislative branch so completely in control--and yet so restricted-- as in Texas.

Although a majority of the people in 1876 were satisfied with this new long, detailed, repetitive and perhaps adequate-for-its-time document, many thoughtful Mid-20th Century citizens now agree that this Constitution has never been satisfactory. This view is partially substantiated by the constant necessity for biennial amendments, which practice began soon after adoption of the document. With subsequent changes in population, industry and economy frequent amendments have not only been desirable but necessary. Otherwise the State would be unable to function under the basic law incorporated with such a vast amount of administrative and statutory detail. One result of the long list of constitutional limitations is the large number of special governmental districts and agencies operating in the State to meet the needs of and provide the services for the people that are constitutionally restricted by other means of handling.

The Texas Constitution is now one of the longest of any of the fifty states of the Union. It has been amended 144 times (out of 245 submitted to a vote of the people). The November 1962 ballot will contain 14 additional proposed amendments. The Texas Constitution now has approximately 50,000 words and is growing in length with each election. By contrast, the Constitution of the United States--now in use 175 years as compared to 86 years for the Texas Constitution--has only 23 amendments and contains only some 6000 words.

Recognizing that constitutional trivia causes loss of prompt and efficient action, the new states of Alaska and Hawaii have adopted brief, general constitutions of 12,000 and 11,412 words, respectively. Certainly, the mere length of the Texas Constitution is not in itself justification for revision of the document. And, age of the basic law is of no moment. Rather, it is the lack of flexibility in addition to the long list of details most of which are either statutory or obsolete; the frequent repetitions and contradictions calling for abbreviation and clarification, respectively; and the scattering of provisions on each subject throughout the document which all together cry out for change.

#### THE TEXAS REVISION MOVEMENT

Although the Constitution has no provision which authorizes calling a Constitutional Convention, few legislative sessions have been held without the introduction of resolutions calling for a convention. However, only two such resolutions have been passed. The first, in 1917, gave sole authority to the legislature without referendum to the voters of Texas. Consequently, the governor refused to call the convention. The second resolution, in 1919, was referred to the electorate and overwhelmingly defeated. Citizen apathy concerning their fundamental law was evidently a monstrous problem of that era too, for only some ten percent of the qualified voters bothered to vote on the question.

Little serious consideration was given to calling a convention for revision during the ensuing thirty years. Then in 1949 Governor Beauford Jester became interested in revision and called a group of citizens together for a conference held at the State Capitol. A Citizen's Committee on the Constitution was formed and a resolution was presented to the legislature calling for creation of a Commission on



the Texas Constitution. An appropriation of \$75,000 was requested for financing the Commission, which was not to draw up a new constitution or revise the old one, but was to make a thorough study of the 1876 document and suggest a desirable procedure if revision was found to be needed. The measure received an unfavorable committee report and failed to reach the floor of the House of Representatives. Governor Jester's death shortly afterwards dealt a final blow to the revision movement at the time.

#### THE LEAGUE AND THE REVISION MOVEMENT - 1948 - 1962

When Texas Constitutional Revision was adopted as a Continuing Responsibility for 1962-64 by action of the 1962 League of Women Voters State Convention, the item had been on state program continuously since 1948--the year that the KNOW YOUR STATE SURVEY was begun. The 1950 Convention moved the then unfinished item to State Platform. But in 1952, Convention delegates again placed the subject on Current Agenda to complete the Survey "as a basis for a study of Constitutional Revision." Each succeeding convention has stated anew the League's interest in and determination to work for good state government.

The first citizen and legislative impetus was given the revision movement in 1957 when House Concurrent Resolution No. 13 (HCR 13), drafted for and supported by the League, was passed by the 55th Legislature. The Resolution called for a four-year Constitutional research by the Texas Legislative Council (TLC) which was directed to study each section of the constitution to determine its historical and present purposes, and interpretations given it by the courts, its role in shaping Texas State government, and the presence or absence of it or its counterpart in the constitutions of other states. The Council was to make a final report to the Legislature in 1961 with a preliminary report in 1959. No appropriation was made for this research when the Resolution was passed in 1957.

The Resolution also created an unpaid Citizen's Advisory Committee (CAC) on Constitutional Revision, composed of eighteen men and women from different walks of life in Texas. Six each were appointed by the Governor, the Lieutenant Governor and the Speaker of the House. (Two members of the League of Women Voters of Texas were appointed to this committee and served during the committee's existence.) Purpose of the CAC was to keep constantly in touch with the TLC's research progress and to make such recommendations to the people of Texas and the legislature as it desired regarding the character of and method to be used in effecting revision of the Constitution.

With no funds for research available, the TLC Study Committee and the CAC sought funds from private sources. Despite considerable effort the quest for such funds was unsuccessful.

The CAC held a number of meetings and undertook an abbreviated study of the Constitution. Results of this work were incorporated with the TLC Interim Report made to the 56th Legislature in 1959\*. This Report recommended that both substantive and non-substantive changes be made in the Constitution. Among non-substantive changes recommended were elimination of all statutory and out-of-date provisions, condensation of wordy sections and clarification of certain sections as, for example, the unworkable County Home Rule Amendment.

\* Interim Report - Page 5



No substantive changes were specified at this time by the CAC. It said these changes would require lengthy study by a professional, non-partisan research group. The CAC further recommended that the Legislature designate the TLC as the research agency and that it appropriate \$150,000 for the study. Two years after passage of HCR 13, the Legislature (in 1959) appropriated \$50,000 for the research.

Because of insufficient funds and the short period of time left before a final report was to be made, the TLC decided that a thorough research job was not possible. Therefore, a simplified format was employed whereby each section was analyzed as to its original intent, its present significance and value, and specific recommendations for change, if any. The TLC's final report consisted of three large volumes delivered to the Legislature in March, May and August, 1961. Recommendations included were: 1) that no constitutional convention or constitutional commission is needed or desirable at the present time, 2) that the constitution, despite its age and alleged deficiencies, is still overall a sound document and generally reflects the governmental philosophy of the people of Texas for the government, 3) the elimination of approximately fifty "deadwood" provisions, 4) amendment of Article 17 (the amending Article) to allow inclusion of more than one subject to be voted on as one question, and 5) that a future study be made of Article V, the judicial section. (Two studies have already been made of the judicial Article--one by the Texas Advisory Civil Judicial Council and one by the Committee on Constitutional Revision of the State Bar Association of Texas.)

The CAC made its final report to the Legislature and to the People of Texas in March, 1961, repeating its earlier recommendations for non-substantive changes and endorsing the TLC recommendation to amend Article 17. But, the CAC disagreed with that part of the TLC Report which indicated no need for substantive changes. Instead, it recommended a study by a Constitutional Commission of all available materials on the Constitution, including the research reports of the TLC. The Constitutional Commission was to be empowered to make specific recommendations for constitutional revision. A Senate Bill to this effect was introduced in the 1961 regular session of the Legislature but died in committee.

In 1960, while awaiting the outcome of the abbreviated research project, The League of Women Voters of Texas continued its efforts to involve and inform Texas citizens in and about constitutional revision. An opinion Survey was conducted by local Leagues in areas representing all of the major population centers of Texas. Nearly 75% of those interviewed in the Survey said the Constitution is only partially effective in meeting present-day governmental needs. More than 60 percent of those dissatisfied with the Constitution called for complete revision of the document. And of these, over 35% spelled out the method by which this should be accomplished. No section other than the Bill of Rights escaped the tag of inadequacy. Many respondents said they looked to groups such as the League of Women Voters, the State Bar Association, a Citizen's Advisory Committee and the Legislature to initiate action and follow-through on the project to secure a new constitution for Texas. Many insisted on competent and adequate research before any revision process is begun..



LEAGUE POSITIONS SUPPORTING REVISION

After completing its initial survey of Texas government in 1954, the League unquestionably supports general revision of the state constitution, preceded by thorough review and adequate research. The League recognizes that in order to achieve these review and revision goals, it must work to build public opinion for revision; to secure research in state government and support a Constitutional Commission for conducting the research. Subsequently, League members, in 1957-59, studied "yardsticks" by which to judge a state constitution. This resulted in member agreement on TEN PRINCIPLES as follows:

1. A framework of basic law.
2. A clear separation of powers with responsibility definitely assigned.
3. Provisions for justice with a minimum of delay.
4. Qualifications for voter eligibility and guarantees of fair elections.
5. A coordinated finance structure capable of flexibility.
6. Maximum home rule for municipal and county government with coordination of overlapping functions.
7. Provisions for support of public education.
8. Provisions for support of public health and welfare services.
9. Provisions for amendment and revision.
10. Basic policies regarding state employee selection, retention and promotion.

Study of a specific section of the Constitution was made in 1959 on the constitutional provisions for the Texas judicial structure. This study resulted in some positions which the League regards as essential to the Principle: justice with a minimum of delay. (These five positions are stated in the TCR item on the front cover of this DIGEST.) Additional study on sections relating to State-Local Relations is presently underway.

Following the Citizen's Advisory Committee recommendations which obviously called for a thorough understanding of how the Texas Constitution could be revised, League members in 1961 undertook to determine the best method for accomplishing complete revision predicated on adequate and objective research. The League decided that the Constitutional Convention method is the most desirable, with prior work to insure its success. Feeling was strong for more research and there was much mention of the need for more citizen education and for more study of specific areas of the constitution. It is interesting to note in the light of the League's support of a Constitutional Convention that each of the four state constitutions have been written by a convention. (Previous to the original state constitution of 1845, the first constitutional government in Texas was under the Mexican Federal Constitution of 1824--the flag of which flew over the Alamo while the Texans defended it--and the second was adopted in convention for the Republic of Texas shortly after the Declaration of Independence.)



## SUGGESTED REFORMS

In addition to constitutional reforms recommended by those contained in the foregoing League positions, many more are proposed by others who are interested in efficient state government--both in Texas and other states. A few of these suggestions follow.

. . . . reforms of the administration:

Strengthening of power of the governor by giving him authority to appoint and remove top executive heads who would then be responsible to him--thus making the governor responsible for administration of state government. In Texas, the other members of the executive department are not responsible to the governor; nor are other elected or appointed heads of the state. The Model State Constitution--a widely read publication of the National Municipal League--recommends lengthening of the governor's term of office to four years. The Model would limit the administrative departments to not more than twenty, the heads of which would be appointive and subject to removal by the governor.

. . . . reforms of the legislature:

Reorganization of the legislature is now generally recognized as one of the most important needs of state government. Recent attention to return of states rights has revealed the fact that most legislatures have, because of constitutional limitations, been hindered and were often unable to provide for twentieth century governmental needs. Legislative reapportionment is not the major issue in Texas, as in many other states, although inequities between cities and rural areas still exist. Texas now has a self-enacting reapportionment clause for the legislature, but any constitutional review would want to ascertain that proper provisions including an equitable representative formula are available for use when and if such occasion should arise.

Many constitutional authorities recommend making salaries of legislators sufficient to permit serving by competent persons without personal financial sacrifice, and that such provision be fixed by statute rather than by the constitution. Texas legislators are now paid on an annual basis in an amount fixed by the Constitution.

Annual sessions of legislatures would in the opinion of many students of state government greatly benefit those involved. The MODEL STATE CONSTITUTION (National Municipal League) provides that the legislature be a continuous body--as is the United States Congress.

As a means of strengthening state government, the Commission of Inter-governmental Relations in its June, 1955 report spoke of the importance of strengthening state legislatures. In mention of overdetailed provisions of state constitutions, the report stated, "Some of these provisions rigidly prohibit certain forms of legislative action; others contain elaborated restrictions and prescriptions of an essentially statutory nature....In a number of States the constitution earmarks so high a proportion of the tax revenue that the legislature's power to appropriate money applies to less than half of the State's expenditures." (85% of Texas revenue is earmarked.) "This tends to undermine the principle of responsible



representative government and limits the ability of the legislators to adapt the spending policies of the State to changing needs and conditions."

. . . . reforms of the judiciary

Many reforms have been suggested for the state judicial structure. Some of these are:

1. Changing of method of selection of judges to appointment instead of by election, thus relieving judges from any political pressure.
2. Redistricting to more equitably distribute district court business, thus speeding up the handling of crowded dockets.
3. Reforming the administration of the judiciary to provide maximum efficiency of the entire court system, e.g., assignment of judges according to ability, experience and docket needs.
4. Unification of the court system under the direction of the Chief Justice of the Supreme Court of Texas who would then be responsible to the citizens of the State for performance of all courts.
5. Abolition of Justice of the Peace Courts, with assignment of such judicial functions to the county court, county-court-at-law or to newly created circuit courts--the judges of all of which would be licensed attorneys. Either court would be a court of record.

#### TCR LEGISLATION THROUGH 1961

Following its successful support of House Concurrent Resolution No. 13 and its subsequent support of the appropriation made for the research called for in the Resolution, the League next took action during the 57th Legislative Session in 1961 when four bills within League positions were introduced:

HB 12 and SB 149 - companion bills calling for research on the Executive Department ("Little Hoover Commission Bill"). The measure passed the House, but died on the Senate floor despite early and last-minute efforts of the League.

HJR 79 - to remove constitutional "deadwood" was reported favorably out of the House committee on Constitutional Amendments, but did not reach debate on the floor before the session ended. Removal of "deadwood" was one of the recommendations of the Texas Legislative Council.

HJR 80 - to amend Article 17 (the amending Article). This bill also passed the House committee, but it, too, did not come up for floor discussion before the end of the session. This measure was recommended by both the Texas Legislative Council and the Citizen's Advisory Committee.

SB 470 - to create a Constitutional Revision Commission. The bill received no committee hearing, consequently it died in the Senate committee. The Citizen's Advisory Committee recommended appointment of such a Commission. Since 1956 the League has supported creation of a Constitutional Revision Commission.



Characteristic of the TCR legislation was the late introduction of these bills which forced quick action by the local Leagues and the State Office. Though no TCR bill passed, the revision movement was furthered by the publicity of many editorials and news stories which kept the issue before the people of Texas. The League is now synonymous with revision of the Texas Constitution.

Introduction of similar bills can be expected during the 58th legislative session which will convene in January, 1963. The State Bar Association reportedly will submit for introduction a bill calling for abolishing justice of the peace courts by local option and setting up circuit courts instead. These circuit courts would be courts of record and would employ only licensed attorneys on a regular salary basis to serve as judges. If passed, the Bar's amendment would not actually abolish all justice courts since a choice is left to local option.

The Bar has long been interested in changes in the judicial section of the Constitution. In 1953 members of the Bar voted approval of a completely new judiciary article which would have provided for a semi-unified yet flexible court system and a new method of selection of judges. A later member vote reversed support of the proposed change. Consequently, the suggested amendment was never submitted to the legislature.

#### WHAT OTHER STATES ARE DOING ABOUT REVISION

History reflects a great wave of constitutional writing in the 1920's and 1930's and another such wave in the latter part of the 19th century when many of these present limited constitutions were written. Many constitutional authorities think indications now point to the beginning of a new wave of constitutional writing.

Mr. Samuel W. Witwer, Chairman of the Illinois Committee for Constitutional Revision, who addressed the Chicago Constitutional Conference held by the League of Women Voters of the United States in February 1961, stated that there are many indications that this country is well started into an era of new state constitutional writing. Dr. John P. Wheeler, Jr., Dean of the Faculty, Hollis College, Virginia, and Director of the State Constitutional Studies Project for the National Municipal League, shared this feeling when speaking to the same group in Chicago. Constitutional revision is constantly discussed by students and observers of state government. According to W. Brooke Graves, editor of the book, Major Problems in State Constitutional Revision, approximately one-third of the states are now giving serious consideration to the problem of revising their constitutions.

In 1961, Leagues were working for constitutional revision in eighteen states, including Texas.\* Michigan has recently completed a Constitutional Convention and will submit the new document for voter ratification in November 1962 or April 1963. Pennsylvania has set up a statewide Committee of State Constitutional Revision. In Illinois, voters will ballot on complete revision of their judicial article at the November election. West Virginia has a Commission of Constitutional Revision which has submitted several reports to the legislature and which hopes to complete all reports this summer. Other states where the League is active in working for revision are: California, Indiana, Maryland, Rhode Island, Vermont, Connecticut, Minnesota, Oregon, Louisiana, Florida, Iowa, Kentucky, Kansas and Massachusetts.

\* - See March 15, 1961 Texas LWV Report of Chicago Conference.



States having achieved substantial revision in recent years are New York, 1938, Missouri, 1945 and New Jersey, 1947. Each used the convention method of rewriting.

#### CONCLUSION

According to John E. Bebout \* a review of trends in the newer state constitutions will indicate that in a very real sense these new constitutions are among the oldest--oldest, that is, in their adherence to the original concept of a constitution confined to fundamental principles, laying down the essential frame of government and guaranteeing basic rights and liberties.

Mr. Bebout continues that lengthening of state constitutions during the last century has been viewed with alarm by many observers who doubted the trend could be reversed in this age of complicated government and high powered politics. Yet he points out that we have several recent demonstrations both in old states and in states yet to be (Hawaii and Alaska) that it is still possible to write or rewrite constitutions without stuffing them with legislative details and lacing them with crippling restrictions on government.

Legislative efforts of the League of Women Voters, together with information gained from the TCR Opinion Survey and from other sources, have all pointed up the necessity for much more work to accomplish revision of the Texas Constitution. To be effective, we must know our legislators; we must solicit and gain their support for revision; we must get the political parties to put revision on their party platforms and we must help Texas citizens become aware of the many shortcomings of their fundamental law. Work for competent and extensive research must be continued and at all times must we strive to keep all League members informed on the issues of Texas Constitutional Revision so they may speak and take action intelligently and effectively at appropriate times.

\*"Recent Constitution Writing" -- Texas Law Review, by John E. Bebout, Assistant Director of the National Municipal League and Director, N. Y. State Temporary Commission on Revision and Simplification of the Constitution.



*Jo Fay*  
*League of Women Voters of Texas*

2114 SEALY AVENUE

GALVESTON, TEXAS

April 14, 1961

TO: Local League Presidents, Program Vice Presidents and TCR Chairmen  
FROM: Mrs. George C. Boller

RE: FINAL REPORT AND SUMMARY OF REPORT OF CITIZENS ADVISORY COMMITTEE FOR  
CONSTITUTIONAL REVISION

The final meeting of the Citizens Advisory Committee was held on March 21, 1961, and the final Report of the Committee to the members of the 57th Legislature and the People of Texas, in accordance with the terms of House Concurrent Resolution #13, was delivered to the Legislature on March 28, 1961. The Report is signed by 15 members of the Committee. Two members, Judge Virgil Seaberry of Eastland, and Dean W. A. Stephenson of Hardin Simmons University in Abilene, passed away in 1960. Mr. Robert Howard of Lubbock declined to sign the report.

Although only preliminary reports of the Texas Legislative Council (the portions on municipal corporations and taxation not yet received) have been delivered to and reviewed by the Citizens Advisory Committee, it was felt that the Committee must comply with the mandate of the 55th Legislature and file a report at this time.

Reference is made (Page 8) to the responsibility of the Committee as set out in HCR 13 - to submit independent recommendations regarding: 1) the character of, and 2) the method of effecting revision of, the constitution. The following recommendations are quoted from the Report (Pages 8 and 9):

1. The principles of democratic government embodied in the Texas Constitution are sound. The Texas Constitution does, however, need:
  - (a) the elimination of deadwood;
  - (b) the elimination of repetitive sections or phrases;
  - (c) the more logical arrangement of the material parts; and
  - (d) the elimination of ambiguities.

The Texas Constitution may also require certain substantive changes, but a determination of what specific substantive changes, if any, are needed should await evaluation, by the Commission referred to below, of the Research Director's final report and other available materials.

2. The creation by the Legislature of a Commission to be composed of men and women from different walks of life in Texas, with authority:
  - (a) to make a thorough analysis of the Research Director's final report and submit to the Legislature both a procedure and appropriate amendments for accomplishing the recommendations contained in paragraph one (1) above;
  - (b) to study available materials and make such recommendations covering substantive changes, if any, that may be needed; and
  - (c) to inform and make appropriate recommendations to the people of Texas concerning constitutional revision.

As outlined in this Committee's interim report to the 56th Legislature, there are three methods of effecting Constitutional revision in Texas. They are: first, by a Constitutional Convention; second, by a Commission;



and third, by the process of individual amendments. We believe that the necessary changes can be accomplished best through the creation of a Commission as outlined above.

3. That at this session of the Legislature there be passed and submitted to the people an amendment to Article 17 of the Constitution to read as follows:

"And, in the same manner, the Legislature may propose a revision of all or part of this Constitution, which proposal may deal with more than one subject and be voted upon as one question."

- - -

COMMENTS on the Report:

- 1) It seems quite clear that, having examined the partial results of the Texas Legislative Council research, the Committee believes that the task is not complete - - and that it is of vital importance that some official group, preferably a Constitutional Commission, be given the responsibility to expedite further research and evaluation, so as to assure continuity and progress of the revision movement given impetus by HCR 13.
- 2) The Committee lists (Pages 6 and 7) 6 criteria for the construction of a Constitution - the first of these being "(a) to include all the organic law and fundamental principles necessary to the orderly functioning of the government, without including detailed provisions which are the proper subject of statutory enactments." It is evident that the Committee is also deeply concerned with the need for more than the removal of "deadwood" from the Constitution. This concern is of course in direct contrast to the Report of the Texas Legislative Council.
- 3) The Committee points out (Page 4) that the Texas Legislative Council Report contains approximately 50 recommendations for elimination of "deadwood" -- but that it is questionable that the elimination of such "deadwood" could or should be accomplished by multifarious amendments. Therefore the Committee is endorsing the Texas Legislative Council recommendation that Article 17 (Mode of Amending) be revised to permit several deletions to be proposed at the same time for adoption by the voters.



# League of Women Voters of Texas

2114 SEALY AVENUE

GALVESTON, TEXAS

March 1, 1961

TO: Local League Presidents, Program Vice-Presidents, Public Relations  
Chairmen & TCR Chairmen  
FROM: Mrs. Herbert C. Martin, State TCR Chairman  
RE: TCR Opinion Survey Reports, Press Releases, Public Relations  
and Publications for Opinion Survey Respondents

Sincere appreciation is extended to each of you and to all League members for your extreme understanding and patience during the long wait for the FINAL REPORT and news release on the TCR Opinion Survey. Since the December 1960 Preliminary Report, more than two full months have been given to making additional tabulations, to analyzing, and to preparing various reports and news releases.

Extra time has been taken to confer with friends and to seek professional advice to insure the best utilization of the valuable opinions gathered by local League members. Many possible ways and means have been considered for use of the information to the very best advantages. We are EXCITED about the Survey results, and hope you will be, too. The following Survey information is enclosed:

1. A FINAL REPORT to local Leagues on the Survey--nine tables complete with tabulations, percentages, comparisons and analysis. Your work has done much to further the revision movement in Texas.
2. A special letter, along with Tables 1-5, and also #7, has gone to the Citizen's Advisory Committee (copy for each member) before its February meeting.
3. A special letter to all 181 Legislators including same tables above.
4. A statewide press release, accompanied by pertinent quotes of respondents' opinions has been sent to the Associated Press, the United Press and to the Capitol Press AT THE SAME TIME YOU ARE RECEIVING THIS.
5. Recent editorials on TCR.

All press releases and all reports have been timed to go out simultaneously for the most effective publicity.

NOW, WILL YOU AGAIN HELP WITH THE TCR OPINION SURVEY? Here is what local Leagues are requested to do:

1. RIGHT AWAY, make a personal visit to your news media, taking the tabulated figures--those on a statewide basis and those for YOUR OWN League's Survey. Also, take BOTH press releases--the statewide release and THE ONE YOU PREPARE ABOUT YOUR OWN SURVEY--and the selected quotable questionnaires from your own League which are being returned to you on LOAN with this mailing.

PLEASE NOTE! This is most important. All questionnaires are of course League property and have been entrusted to our care by the respondents. For obvious reasons --one of which is to protect the League from any question of authenticity regarding



any quote the League may make--all copies MUST BE RETURNED to the State Office for the files. These copies are being LOANED to you for current publicity purposes. It is anticipated that many editors may want to use the quotes of persons in your local community, and that some may want to look at the quotes and other materials for a possible series of articles. Please guard the questionnaires and return them to the State Office as soon as you finish with them. Only those questionnaires which were checked for quoting and signed are considered usable. All others remain in our files.

You will note that in some cases figures that you have regarding your own Survey may vary in some respects with those shown on the State tables. Questionnaires from all local Leagues were evaluated on the same basis, so State figures should be considered official. Do not be concerned either if some of the State figures do not seem to reconcile--from the standpoint of total evaluation all figures are accurate.

2. Coordinated with the Survey publicity release, you will want to make immediate plans to distribute suitable publications as well as the Survey report to those respondents on your Survey list who requested such materials. Selections may be made from the following available materials, with careful consideration being given to choosing those most suitable to the respondent's interest:

Survey Tables . . . . .	\$.30
*Texas Constitutional Review . . . . .	.25
Quotes. . . . .	.02
Editorials. . . . .	.03
Summary - Observations & Conclusions. . . . .	.01
Brief Case. . . . .	.02½
Leaflets (see Publications Catalog for titles). . . . .	100 for 1.00

GOOD LUCK! And please do not forget to send copies of all publicity to the State Office!

\* New Supplement to TCReview is under preparation. Will contain the 23 amendments adopted since 1955 when TCReview was published. All TCReview booklets ordered after the Supplement is prepared will contain the Supplement for the same price of 25¢. Leagues having a supply of TCReviews on hand may secure Supplements from the State Office then. These will be FREE.



QUOTES from the OPINION SURVEY

(There were many pertinent quotes in all categories from every section of the State. We regret that space and time do not permit our listing them all.)

DR. NEWTON H. ROBISON, Minister, of Amarillo:

"The whole Constitution needs re-writing, keeping the good, doing away with outdated, jumbled part. We need a constitution to fit 1960. A careful study should be done before any changes are made."

DR. R. N. WHITE, City Chairman of Constitution Party, of Midland:

"The State Constitution should be fashioned after the U. S. Constitution...The present Constitution is cumbersome and is more nearly a book of statutory law attempting to cover all possible situations that might arise; it is completely lacking in flexibility and its rigidity defies adequate interpretation...Completely rewrite the existing document..."

MR. ED COSTELLO, News Media, Sales Manager for KOSA - TV of Odessa:

"...tried to obtain a copy of the Constitution and couldn't get one...feel 'partial' was too mild a category, 'ineffective' should be added...A new constitution which would retain necessary personal safeguards by a Constitutional Commission."

MR. RAYMOND GRANDY, Labor agent, of Corpus Christi:

"We have moved from a 'cow economy' into an industrial age but we are still operating under a 'cow town' state government..."

MR. W. A. MILLER, President of University of Corpus Christi:

"I think the Texas Constitution is, in a large sense, a good and great document. However, it has come to the point that it in some degree is comparable to some of the suits of clothes which I owned several years ago; I have gained stature quite obviously in breadth of frame. Those suits are too tight in some places and too short in others, they do not adequately serve my purpose...this is true of the Texas Constitution..."

MR. REX EASLEY, Small Business: Drug Store Owner of Victoria:

"I believe the Constitution of Texas is tangled up in too much double talk and weighted down with too many amendments to suit some one's special fancy at the time. It should be rewritten to meet the needs of our present and future generations. I tried to read it but being a man in business I didn't have a week to spare..."

DR. SIDNEY R. KAY, Veterinarian of Galveston:

"My understanding is that our present document is not so much one of guiding principles as it is a compendium of statutes, conflicting amendment, etc. In short, it represents more of a 'hash' or 'clean up in the kitchen affair' rather than being an orderly yet lively codification of broad principle and power...Revision, I believe, would best be accomplished by a constitutional convention elected for that purpose."

MR. C. ROY HOLBROOK, Member State Board of Education and Lawyer of Texas City:

"Texas Constitution is very detailed and inappropriate for 20th Century. That is why so many amendments are needed...Texas needs a new constitution based on broad principles and perhaps patterned after the U. S. Constitution. It should be general rather than detailed. Then the legislature can enact the detailed statutes within broad principles."



DR. JOHN W. MCFARLAND, Superintendent of Schools of Houston:

"...a new constitution would be the solution rather than revision through amendment, because the Constitution is already over long and has many amendments. Also provisions dealing with one subject are scattered through the document...the present Constitution, when written, dealt too much with particulars rather than general law, which could be applied to a changing society..."

MR. WILTON FAIR, School Board Member, Civic Leader, and Businessman of Tyler:

"The Constitution must be amended frequently to permit activities which should be accomplished by legislative enactment. Constant amendment is a slow, inefficient and costly method of change. A broad 'directive' instrument, giving the executive, legislative, and judicial branches 'flexibility' within certain limitations is needed... The inadequacies are so numerous that a new constitution is the only effective solution."

MR. JEROME K. CROSSMAN, Management, Ryan Consolidated Petroleum Co. of Dallas:

"The Constitution of the State of Texas, including a great many of the amendments thereto, was drawn for the horse and buggy age...As one example of the total inadequacy of our Constitution, I would refer to the fact that it does not take into consideration that there has been a complete metamorphosis in the population living in rural and urban communities respectively..."

MR. K. R. BLACKWELL, City Commissioner of Corsicana:

"...It seems to me to need revision to care for the present day needs. One of the most important needs is the insuring of states rights, allowing the State Government enough scope so it will not have to rely on the national Government."

MR. WILLIAM H. GARDNER, Houston Post Capitol Correspondant, of Austin:

"I think the Constitution contains too many provisions which should be in the statutes, instead of the basic law. The Constitution is probably most adequate when it provides for fundamental rights of citizens and sets up the pattern of state government."

MR. MIKE LEVI, Rancher of Austin:

"I would suggest the State write a new constitution by having a Constitutional Convention, after much study of needs."

VERY REVEREND WALTER J. BUEHLER, S. M., President of St. Mary's University of San Antonio:

"The Constitution of Texas, adopted in 1876, was designed primarily to cure the evils of a corrupt and tyrannical carpetbag Reconstruction administration immediately preceding it. It was conceived in hatred with the purpose of punishing previous sinners. Today the Texas Constitution still looks back with a punitive eye rather than providing the necessary structure for present and future functioning of government. Our Constitution places most state governmental agencies in strait-jackets. It hopelessly confuses constitutional and statutory law...It is completely inadequate to meet the demands of a governing institution for the mid-20th Century. It can be patched no more but must be abandoned and a new start made. Trying to use our Constitution in 1960 is similar to dressing a 16 year old boy in a two year old's play suit. This problem cannot be evaded much longer. As a result of the fundamental nature of our Constitution, Texans are inflicted with a government marked by inefficiency, unnecessary expense, and corruption."

MR. BERT W. THOMPSON, Political Leader and Lawyer of San Antonio:

"A piece-meal answer will not serve. A Constitutional Convention should be called for the purpose of forming a modern day constitution so as to provide for our present economy."



March 1, 1961

To Members of the Citizens Advisory Committee  
on Revision of the Constitution of Texas

Gentlemen and Mrs. Smith:

What do Texans think about the Texas Constitution? As a member of the Citizens Advisory Committee, this question must have unusual significance for you as you seek to fulfill your responsibilities of leadership to the people of Texas and to the Legislature in trying to determine the need for revision of our Constitution.

The attached report may assist you in evaluating this need --- it represents opinions of 1730 leading citizens in twenty five communities of Texas, gathered from a survey conducted by the League of Women Voters of Texas.

This survey was undertaken to find out from opinion-makers their thinking about the Texas Constitution; to discover who are for and who are against revision of the Constitution, and why; to determine the need for and the kind of additional citizen education tools on the Constitution; and to make more Texans aware of the Constitution and its relation to the problems of state government today. The League made no attempt to promote its own position on the need for revision.

A single, basic question was asked: "In your opinion, how effective is our Constitution in meeting the present needs of our state?" There were three possible answers -- VERY effective, PARTIALLY effective, or NO OPINION. Depending on the answer, a second line of questioning followed.

Members of the League of Women Voters of Texas join me in expressing appreciation for your interest in this subject, and in the hope that this glimpse at the grassroots climate of opinion in Texas concerning constitutional revision will be helpful to your continued work.

Most sincerely,

*Mrs. George C. Boller*

Mrs. George C. Boller

GB/h1

Encl - 6 tables  
Summary  
Quotes  
Editorials



### SUMMARY: CONCLUSIONS & OBSERVATIONS

1. Compilation of statistics by Senatorial Districts was considered the more graphic method of presentation. While 25 local Leagues participated in the Survey, 17 of the 31 Senatorial Districts are represented --- and all of the major population centers of Texas.
2. It is the group indicating satisfaction with the 1876 Constitution (6.3%) who provide the challenge for continued intensive efforts toward Constitutional Revision, while those who find the Constitution only PARTIALLY effective (74.1%) supply the incentive. Although there were many who said they had NO OPINION (17.3%), most of them really are concerned about current state problems. This latter figure justifies our concern that Texans don't know very much about the Constitution.
3. The degree of effectiveness indicated by the various categories interviewed follows a predictable pattern and reveals rather sharply who are for and who are against revision.
4. An aspect which reveals awareness and study of the situation is the fact that of those expressing dissatisfaction, 61.1% called for complete revision or rewriting of the Constitution. And of these over 35% spelled out the method by which they think this should be accomplished.
5. When asked to name sections of the Constitution least adequate, most respondents named those related to their own special interest or category; e.g., lawyers - the judiciary, teachers and educators - the educational provisions, women's groups - lack of equal rights for women.
6. NO SECTION of the Texas Constitution with the exception of the Bill of Rights escaped the tag of inadequacy.
7. A number of respondents confused the Texas Constitution with the U. S. Constitution and expressed worry about states rights, without revealing any awareness that state constitutional restrictions often foster loss of states rights and the growth of federal government.
8. Many Texans are aware that the State government has innumerable problems and are beginning to associate these with the Constitution. There seems to be a general awakening to the fact that the 1876 Texas Constitution and its need for constant amendment is the stumbling block to long-range solutions for pressing state problems.
9. Because so many were able to pinpoint specific inadequacies and because so many were definite in the solution, it would seem that our present Constitution does not reflect the governmental philosophy of Texans today. Texas citizens today want their state government to govern and the Survey indicates they are willing to permit it to do so.
10. It was heartening to note that many respondents said they looked to groups such as the League of Women Voters, State Bar, Citizens Advisory Committee, and the Legislature itself to initiate action and follow through on this project of securing a new Constitution for Texas. But many want competent and extensive research before any revision process is begun.



# League of Women Voters of Texas

2114 SEALY AVENUE

GALVESTON, TEXAS

On Standing Order

December 1, 1960

TO: Local League Presidents and TCR Chairmen  
FROM: Mrs. Herbert C. Martin, State TCR Chairman

RE: Preliminary Report on TCR Opinion Survey

The State TCR Committee has just finished 1552 questionnaires. It has taken us --we are volunteers too -- exactly 5 weeks.

This PRELIMINARY REPORT is for local League members' information only and in no way should be confused with a publicity release. Frankly, the State Board is still considering the best ways and means of using this tremendous and valuable information. We think the total impact of the results of this Survey so important that we are proceeding with the utmost care and caution. From your knowledge of your own League's interviews, most of you are well aware of the need for patience. We ask your indulgence a while longer on this phase of the Survey.

Now for some interesting facts about the Survey as a whole:

- 25 local Leagues conducted a Survey
- Of 1552 interviews, 1039 favored revision, approximately 67%; and only 104 were opposed to revision, approximately 6%; 304 had no opinion.
- 14 local Leagues evaluated the results of the Survey in their communities as good; 4 said fair; 1 said poor, and 1 said lousy.
- Community acceptance of the Survey was good in 14 local League towns; excellent in 1 and fair in 3.
- Publicity for local Leagues on the Survey ranged from excellent (3) to good (6), fair (7), and poor (3).
- The number of categories interviewed was 4 to 11 (2 Leagues added a category); 9 Leagues did all 10 categories, and 2 did 11.
- 428 local League members acted as interviewers.
- A HEAVY percentage of those interviewed, regardless of opinion, want League TCR materials sent to them. Many expressed interest in the Constitutional Conference if held. It was evident that some interviewers and some respondents confused the Conference with a constitutional convention.
- Criticisms offered were both unfavorable and constructive:
  - Unfavorable: 1) wrong time of year; 2) the questions were poor.
  - Constructive: 1) other organizations are asking for and planning programs on TCR; 2) one local League had a request from a college professor for 100 questionnaires to be used in his college civics class; 3) another local League said the Survey was a tremendous boon to its members for it helped them feel a part of the TCR movement; 4) one West Texas League reported that a contributor increased his contribution - unsolicited - from \$10 to \$100 because the League was making such a survey.

The State TCR Committee in its tabulation has found some early interesting trends: a very definite and continuing need for citizen education on the subject; that many of those interviewed have a vague feeling that something is wrong and something should be done; many are beginning to connect the State's financial problems to its basic law, the Constitution; most people are in favor of some kind of



revision and many favor total revision; many are aware that research is needed and suggest study and research as a preliminary step to revision; many look to the League of Women Voters -- and the State Bar and the Legislature -- for leadership in accomplishing revision; the section felt most adequate more often by persons from all categories was the Bill of Rights, and secondly the Homestead Provision; the recurring problems of local government, not only in the metropolitan areas but small towns as well were noted when many felt provisions covering state and local relations were inadequate or needed changing; most named as least adequate the sections which more nearly related to their category, yet many were able to be objective in their criticisms; the method of revision most often urged was a constitutional convention with suggestions for a constitutional commission frequent too; a large percentage agreed to be quoted and many of these made intelligent and usable comments.

What will we do now? We are seeking the advice of friends first and then possibly professional help to study this first rough-draft tabulation. We hope you will appreciate and understand what you have done -- it has been a tremendous undertaking and the ramifications of your efforts may be much more far-reaching than any of us anticipated in the beginning. We will keep you informed as to the progress made on this problem of what to do and how to go about it.



SUMMARY  
CONSTITUTIONAL REVISION CONFERENCE  
Chicago, Illinois  
February 8-10, 1961

Sponsored by the League of Women Voters of the U. S. and attended by delegates from 18 Leagues working for constitutional revision, Summary prepared by Mrs. Herbert C. Martin, State TCR Chairman, and Mrs. Horton Wayne Smith, member of State TCR Committee, who attended the Conference.

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THINGS THE CONFERENCE DID NOT COVER: (Quoting National LWV staff member)

1. The future role of the states in government.
2. How to develop state League yardsticks; though discussed remedies.
3. What to do if our state has a low level of political vitality.
4. How to get help without raising opponents.
5. Role of the League on state constitutional revision.

THINGS THE CONFERENCE DID SAY: (Again quoting National staff member)

1. One single point was evident all through the Conference--that because of the variety of states, everything must be tailored to each state, e.g., revision by the amendment process may be preferable to convention method in some states.
2. Political action is our most important ingredient for revision.
3. Political problems should become our axiom No. 1--they are greater than constitutional problems in state government.
4. We must work with the parties to achieve success.
5. Probably no future for unicameral legislatures and proportional representation. Reapportionment is a questionable problem.
6. County Home Rule is an important area of revision.
7. Conference seemed to "compromise on compromise." Members need to know the "mountain top" is there, but that we may not reach it in one leap.
8. There has been great "piecemeal" accomplishment. We should say "one-at-a-time" accomplishment instead of "piecemeal."
9. We must have strong organization, educate the educated, all-out political action and "literature of reform."
10. Core of the revision movement comes from the LWV.

OTHER CONFERENCE HIGHLIGHTS:

1. Constitutional writing runs in cycles (great waves in 1920s and 1930s--also in last of 19th century). We may well be entering into a new wave, judging from hopeful signs in numerous states.
2. Research has not yet turned up any new knowledge or fresh thinking.
3. There seems to be a new approach to "home rule" and state-local relations in general. A speaker described the problem as "existing networks of local jurisdictions and jungle of state-local legal relationships."
4. The "fundamental question" concerns the role that states may play in our system of modern federalism versus a conception of states mythologically more suited to 18th century federalism.
5. We must think of our fight for constitutional reforms on a long-term basis; it is no sport for the "short winded" and reformers must have a "second wind."
6. The basic problem on constitutional reform is political and the solution is educational. Knowledge of the practice of the art of politics is essential for achievement of revision.
7. Often we do too much evaluating and too little activating. The League of Women Voters is the best organization for "How To Do It" techniques.



# League of Women Voters of Texas

2114 SEALY AVENUE

GALVESTON, TEXAS

March 15, 1961

TO: Local League Presidents and Board Members  
FROM: Mrs. Herbert C. Martin, State TCR Chairman and  
Mrs. Horton Wayne Smith, TCR Committee member

RE: REPORT ON CONSTITUTIONAL REVISION CONFERENCE held in Chicago February 8-10, 1961 sponsored by the LWV of the U. S. for representatives of 18 state Leagues actively working for state constitutional revision.

Mrs. Paul Holmer, National Board Director from California, and Mrs. John A. Campbell, National 2nd Vice President from Indiana, moderated the meetings.

Mrs. Robert J. Phillips, National President, was present and explained why the conference was set up. She said there was never time at National conventions to talk about state government problems, and that since the League had some funds which had been given for conferences it was decided to hold the state item conference. National paid transportation for two delegates of states sending representatives.

Goals of the conference were to develop some new thinking on the subject of the League and constitutional revision as well as a sounder understanding of the best ways and means of achieving revision objectives. Two outside speakers were heard. The rest of the sessions were for reports from state Leagues with question and answer periods after each.

REPORT OF A SPEECH given by Dr. John P. Wheeler, Jr., Dean of the Faculty, Hollins College, Virginia, and Director of the State Constitutional Studies Project, National Municipal League.

Subject: "State Constitutions and State Functions"

Dr. Wheeler began his talk by mentioning work the National Municipal League (NML) is doing in the State Constitutional Studies Project which is being done with the assistance of a Ford Foundation grant. He said the core of the Project is the series of publications designed specifically to assist citizens in the study and improvements of state constitutions. These publications fall into three categories:

1. Citizen Education "Salient Issues of Constitutional Revision" - general study of major constitutional issues faced by states today, and "The Future Role of the States" - provocative analysis of role states may be expected to play in federal system of the future.
2. Practical manuals to guide the administration of constitutional conventions and to assist citizen groups such as the LWV in undertaking analyses of particular state constitutions. These are: "How to Study Your State Constitutions" - a brief, practical guide for citizen study, and "A Manual for Constitutional Conventions" - guide for planners and delegates of conventions.
3. Revision of the "Model State Constitution" booklet.

He also mentioned the set of five study pamphlets which were prepared in anticipation of the general needs of the project for information in various constitutional areas. These five are already published under the following titles: "The Shape of the Document," "Reapportionment," "The Governor," "The Structure of Administration," and "The Bill of Rights."



Stating that the purpose of his talk was not to present the "findings" of the Studies Project, Dr. Wheeler briefly discussed five of these "findings" before going on to raise some questions about assumptions that underlie the Project and the classic prescriptions for reform and improvement of state governments. He prefaced his talk of the "findings" by saying, "We have not as yet turned up any new knowledge or fresh thinking that cries out for repetition..."

The first finding: Critics and reformers show scant attention to proportional representation and unicameral legislature, though these were part of the "more drastic and exotic devices which appealed to earlier generations." Dr. Wheeler said that "We found no one volunteering a preference for proportional representation--except those who were doing so a generation ago," and that "We found only five statements of concern with the unicameral legislature--an important one being a dissent from the general report of the Pennsylvania Commission on Constitutional Revision. He quoted part of this dissent as follows:

"In undertaking to vitalize the legislature and to render it equal to the responsibilities of its key policy-making and power distribution role, we need to make a fresh start. The unicameral or single-chamber form would be structurally a fresh start of a dramatic character calculated to fix political and institutional responsibility and to make legislative processes more understandable to the people. The unicameral plan could be expected to add stature to membership. The operation of a bicameral legislature is diffuse and dilatory--something we would find quite insupportable in local government or in business organization."

Dr. Wheeler told the group that "Lest someone interpret these remarks to mean the NML is preparing to abandon its historical position,...these remarks only summarize contemporary opinion and are not judgments on the merits of these devices" (i.e., proportional representation and unicameral legislatures) "nor necessarily an expression of hope abandoned that in the long-run they may achieve their place in the sun!"

The second finding: Prescriptions for reform at the state level are most often the classic ones, with reapportionment being the most universal one being sought. Dr. Wheeler said that if we judge from comments, it would seem that if only the legislative seats get fairly distributed among the people the other problems will get settled. Rural elements dominate the legislatures and the urban areas turn from the hostile legislatures to the more sympathetic national government for help in solving their problems. Among reformers state legislatures are still suspect and it is largely on the executive that they focus their hopes--a trend that began at the turn of the century.

"The strong governor doctrine is still a by-word with reformers," he said. The expansion of the governor's powers of appointment and removal continue to be recommended. From those states with short gubernatorial terms come demands to increase them and from those with one term limitations come demands to raise or remove them. More than one-third of our governors still have only 2-year terms, while of the 4-term governors, more than one-half may not succeed themselves. There are many references to the constitutional restrictions upon the legislative power, particularly in the area of finance. Criticism of judiciaries is prevalent with the prescription for reform including appointment of judges, unification of the court system, and the destruction of the JPs. States are still plagued with the long ballot, with complicated requirements for voting and there still is no satisfactory system of home rule. But the strong executive doctrine is still the core of most efforts at state governmental improvement.



The third finding: There seems to be a growing sophistication about and the beginning of a new approach to "home rule" and state-local relations in general. Only recently have we come to consider galloping urbanization and sprawling metropolitanism, too many local governments, not enough local governments, a major state and even national problem. So far we appear to have made only a beginning in developing answers and no one yet knows how the answers when found can be worked into our constitutional and political system against the resistance of the short-run beneficiaries of the existing network of local jurisdictions and jungle of state-local legal relationships.

The fourth finding: There is increasing attention to the relation between politics and state government problems, but Dr. Wheeler said that excursions into this area have done little more than pile up additional pessimism concerning the potentialities of state political systems. "Apathetic public concern, atrophied political organizations, the generally low visibility of state politics and the lack of positive leadership stand out vividly in the majority of the states." He quoted Professor V. O. Keys to say, "...the most limited investigation raises a serious doubt whether there ever were any good old days in state politics." Nevertheless, there are still the cases of Missouri and New Jersey and the more recent ones of Alaska and Hawaii which indicate that it is not entirely impossible to fashion new and better constitutional instruments in this age, Dr. Wheeler added.

The fifth finding: Since World War II, the largely submerged continent of inter-governmental relations has been discovered--yet little fresh thinking on what this might mean for state governments has turned up. In short, there has been little attention to the evolving function of the states in our fast maturing federalism and the bearing of that function on what it is wise to expect or try to achieve in the remodeling of state constitutions and governments.

THE ROLE OF THE STATES IN GOVERNMENT: Dr. Wheeler discussed the question, "Why has no state adopted in toto, or even most of, the model state constitution of the National Municipal League?" He said that textbook authors only point out that some constitutions show its impact, inspirations or incentive, and that the important thing is to have people feel that governmental institutions and instruments can be improved. No two states are identical. To cure the ills, the ills differ and the cures should differ, and no common prescription issued by the constitutional doctors can suffice.

Much of the literature on the subject implies that state governments possess the political capacity to allow them to initiate and carry out important policies and programs of their own while assuming the maintenance of responsibility to the people.

"The fundamental question concerns whether our prescriptions for reform are determined by the function that the states play and may be expected to play in our system of modern federalism or are based upon professional and cultural biases that cause a conception of the states reflective of a political mythology better suited to 18th century federalism."

To those who bemoan the "decline" of the states the popular answer, he continued, is that there has been no such decline, but only a shift in position--changes in our respective positions of nation and state within our federal system have been relative and not absolute; the great expansion of the federal government simply overshadows the similar expansion at the state level. "Witness the increase in the number of state employees, the new agencies. Check the longer sessions of the legislature. And above all look at the budgets."



Dr. Wheeler continued by saying, "No one questions that the states are spending more, taxing more, borrowing more, hiring more and doing more than at any time in their history. No one disagrees that the national government has forced a great expansion of functional responsibility on the states and that all the traditional functions--law enforcement, highways, health, and above all education--have similarly increased. But these developments do not prove the capacity of the states to govern generally. The mere growth in governmental size and activity do not necessarily herald an increase in the political vitality of the state. Indeed, one might argue that the trends of cooperative federalism have instead bound the states more closely together in a new set of realities; instead of enhancing their policy position the states appear lost in the shuffle of an increasingly complicated web of government.

"One test of state vitality is their creativity, since a traditional support for federalism is that the component units (states) can serve as experimental laboratories" ... "The states do not score high in this respect." ... "Even if we were generously to concede the contributions of the states in the past, we need not concede for the present and future. Certainly this is a question for systematic inquiry. Two facets should be looked into: First, to what extent have the states served as experimenters with and creators of new functions, institutions, and procedures? Second, if states have indeed served in these capacities which states have and under what circumstances? Perhaps it is not the state as such that can play this role but particular states at particular times possessing particular characteristics." Advocates of reform define two and only two possible roles that the states can play--"either-or." "Either the states must be quasi-independent policy-initiators and administrators or they must become vestigial organs of a supposedly federal system whose national head has so monopolized power that the states are mere administrative agents at best." Dr. Wheeler questioned whether these are the only possible roles, and said the role of the state in the federal-state-local complex needs to be re-examined, that the states are already involved in a middle-man or mediating role in the process of negotiating with other units of our government in co-ordinating programs of government services.

The thesis of Dr. Wheeler's talk was "not that we should abandon the classic prescriptions of constitutional reform at the state level but rather that we re-examine them in the light of American federalism 1961-style. Insofar as students of government and other reformers are able consciously to affect the development and structure of state government and politics, their objectives should be determined by the present and developing role of the state in our system and not by some out-moded conception of the state as a semi-sovereign, self-sustaining, independent unit of government. It may well be that after thorough consideration we will return to the classic prescriptions, but at the moment anyway my faith in them is waning sufficiently to make me want to take a new look at the role of the states."

In reply to a question directed to Dr. Wheeler, he said that no publications having to do with practical aspects of constitutional revision would come out of this particular Studies Project of the NML because of the grant of foundation funds would not permit it. However, he was rather specific in saying that the NML would prepare such a publication, using its own funds. He did not elaborate on content or expected date of the publication.

REPORT OF SPEECH given by Mr. Samuel W. Witwer, Chairman, Illinois Committee for Constitutional Revision

Subject: "Action Programs to Achieve Constitutional Revision"

Mr. Witwer has led several campaigns for legislative, judicial and constitutional



reform in Illinois. He has chaired a citizen's committee for constitutional revision for the last 16 years and actively assisted to get reapportionment for the State. He was also active at the time (1950) when the "Gateway" Amendment was adopted allowing for easier amendment of the constitution--a feat almost impossible before that time.

Local and state government must be improved if democracy is to win its fight against communism, he told the Conference group. He said that we must think of our fight for constitutional reforms on a long-term basis--that constitutional reform is not a sport for the "short-winded," and it requires that reformers have a "second wind."

"The study and drafting of constitutional revisions are meaningless unless translated into political action," he continued. "The basic problem in constitutional reform is political and educational." Drawing upon his successful experiences in revision campaigns, Mr. Witwer told the Conference that often we do too much evaluating and too little activating. He said the League of Women Voters is the best organization for "How To Do It" techniques.

He stressed that getting out the vote for constitutional revision should be divided into three major phases: 1) Organization--forming committees and fund-raising campaigns to provide finances for carrying out the work, 2) Educating the educated--with plenty of literature suitable for the project, and 3) all out political action.

Mr. Witwer stated that there are many indications that this country is well started into an era of new state constitution writing. Dr. Wheeler also shared this feeling.

Mrs. Holmer mentioned that there was a great wave of constitutional writing in the 1920s and 1930s, and that there had been another in the latter part of the 19th century--when we got many of these present limited constitutions. As indications that a new wave is beginning, she mentioned several states where action had been speeded up lately. New York has a commission for revision, Kentucky and Iowa have put the issue to a referendum, Michigan got a successful vote to put a call for constitutional convention on the ballot (in April 1961 they vote whether to call the Constitutional Convention), Pennsylvania has a commission and Massachusetts has a citizens committee to place revision on the ballot.

#### REPORT OF STATE LEAGUES ATTENDING THE CONFERENCE:

Topic of this session: "Out of the Ivory Tower," a look at our states and our constitutions.

California: Currently asking legislature for \$300,000 to set up a constitutional commission to make studies and recommendations for a general constitutional revision. Recently they "cleaned out deadwood" from their constitution in one amendment. California law requires that all ballot issues be printed and mailed to each registered voter. The Secretary of State does this--a sort of pro and con, though oftentimes little or no con. The League is sometimes asked to do the cons. This one "deadwood" amendment cost the state \$250,000. This one-amendment method is thought of as probably not legal, but it will probably never be questioned because this was not a controversial act.

Generally the state government is working well, though one-fourth of state finances are earmarked and the constitution is long, detailed and repetitious. California has both a strong governor and legislature. Primarily it is only a few political scientists and the LWV who are interested in change. Others who say they want reforms,



make it clear they do not want their special interests upset. It was suggested that length, detail and repetition are not good criteria for revision. The California League helped pass a \$175 billion dollar water bond issue. It was mentioned that the League was basically taking the job away from the legislature.

Indiana: Bill introduced in their legislature for a constitutional convention. If this passes, they will have to put the issue to a referendum. They have had no reapportionment since 1921. Eight amendments for reapportionment are now pending. Out of 503 attempts to amend the constitution in 110 years, only 20 have been adopted. Any proposed amendment must pass the legislature for two consecutive sessions; then pass referendum by a majority vote. Minimum time to get an amendment is five years. The League is for either a two-thirds or a majority in any one single session. No new amendment--on any subject--can be introduced while another amendment is on the floor.

Maryland: Constitution requires much legislation on local issues. They have county home rule. County is lowest level of government. Constitution written right after Civil War. Has been amended 95 times. 15 were on the ballot last time. Some deadwood has been removed, but some still remains. Area of interest now is reapportionment. Constitution has no provision for reapportionment. Legislature is rurally dominated. Reapportionment could change this. League has no position other than calling for a constitutional convention.

Pennsylvania: Has a commission to do research which in 1956 recommended constitution be changed by amendments. To amend by constitutional convention has been turned down five times in referendums since 1874 when present document was written --twice in last 15 years. Total appropriation for commission was \$50,000.

Rhode Island: Has old constitution--written in 1842. Has only 6500 words and has been amended only five times. Question of reapportionment is still with them. Legislature appoints judges for Supreme Court. State has real problems. Almost constantly a one-party state--Republican until 1934, then Democrat. Political leaders want no change--they love the status quo. Only the legislature can propose constitutional amendments or a constitutional convention--no initiation by people. They have had "quickie" conventions only for special purposes--conventions only a "hollow shell." Limited conventions with delegates usually appointed by political parties. Courts completely subservient to legislature.

Vermont: (One of 18 states working for revision. Was unable to attend. However, Missouri - which got a new constitution in 1945 attended, making 18 states present.)

Connecticut: Constitution written in 1818. Seven major efforts for revision have been made since 1900. League, after a 4-year study--took a position in 1950 for a constitutional convention. Has 54 amendments--47 were previous to 1951. Abolished county government. House reapportionment one of major aims. A bill was introduced this year to determine the need for a call for a Constitutional Convention. Democratic party has CC on its platform.

Minnesota: Long efforts for a convention. Have achieved many reforms along the way. Their Constitution, like that of Texas, has no outstanding defects. They have improved needs of the executive section, and the judicial article has been completely re-written. Legislative now needs attention most. Legislature meets 90 days every two years. \$250,000 debt limit in constitution. Two-thirds issues failed before



they got a commission; now half passes. Since League began supporting issues, 11 have passed and three failed. (I opposed one of the three and had no stand on other two.)

58 Leagues in Minn. and 5600 members. All talent for publications is within the League. \$2100 in budget for publications this year. Sold a lot of publications through libraries and schools.

Missouri: Got new constitution in 1945. 83 were elected for constitutional convention--34 Democrats, 34 Republicans and 15 at large. New document has mandatory provision that constitutional convention question must go on ballot in 1962, and every 20 years thereafter. A bill now before legislature to form commission to study need for convention. Had four amendments last time. One was to take legislative salaries out of constitution, and give legislature power to set their pay. Amendment process is easy--majority vote in legislature with referendum.

The League is now studying question of a convention so that members may take a position for or against. The principle involved is seeking good government. Missouri League is satisfied with the constitution, and amendments have been good. Their convention in 1945 lasted one year and one week.

Topic of this session: "League problems on study, consensus and decision when to act."

Illinois: Worked hard during 40s for a constitutional convention. Had been almost impossible to amend constitution until got "Gateway" Amendment in 1950. Formerly took two-thirds majority in both houses of the legislature and a two-thirds referendum. "Gateway" allows for only two-thirds of those voting in the referendum. League had tried to get simple majority, but compromised. The State Bar is pushing a new Judicial Article. In 1952 the League supported a new revenue act, which was not flexible. Another compromise. The LWV's record in field of revision has been one of many compromises--which brought out question of consensus in League and how far should Leagues compromise with political realities--a fascinating and unresolved subject.

Reapportionment is a problem. Illinois has one large city everyone is afraid of--Chicago. Rest of State is "downstate" which will always prevail in the Senate. They have redistricting every ten years. One on basis of area and one on basis of population. In 1958 the League had the opportunity to work for a new Judicial article. The issue lost because all publicity said vote "yes" for judicial reform. Many did just that instead of marking an "X" in the box--a lesson to be remembered by all. Illinois LWV "tired of compromise." At last state convention decided they had enough of "piece-meal" revision, and decided to try for a constitutional convention again. "Gateway" is not too good a gate; no more than three issues on any one article at one time, and limit of number of times article can be amended within certain number of years.

Oregon: Seven counties got Home Rule. County courts gradually being abolished. As old judges die off, county court business goes into circuit courts. They have no financial problem--other than what to do with their surplus! Have an income tax. League wants constitutional convention primarily to get rid of "bedsheet" ballots. In 1953 League reached consensus for revision. In 1959 they had a "big split" in the League over methods of revision. So divided over whether to support or oppose, they never agreed either way. Downstate Leagues opposed and city Leagues were for. Split largely due to some Leagues had studied and some had not--some had good background



and some did not. A bill now before the legislature would set up a Commission to study the constitution.

Louisiana: Believes political climate in State is not good now for constitutional convention and League will work for reforms through amendments. Document is longest of fifty state charters (217,000 words), has conflicting and obsolete provisions and much statutory law. Study revealed that many good things--some of which the League had fought for--were in the statutory provisions. State has a weak legislature and strong governor. Takes two-thirds of elected members of each house to approve an amendment.

League has reached consensus all delegates to a constitutional convention chosen by election, then measures adopted by the convention go to a referendum. League first supported a constitutional convention in 1954 then opposed the same thing in 1956. Some local Leagues were disturbed and thought the La. League had "switched its signals." Reason for change in action was Supreme Court decision in 1956 on segregation. League felt bulk of argument in a convention would center around the segregation issue.

The State has long lists of ballot questions--48 in 1956, 30 in 1958, and 55 in 1960.

Florida: By State law an entire article can be amended. League opposed the issue--wanted constitutional convention or else. Then at convention, decided to work for revision by a const. convention or any other suitable means. Yardsticks were too limited.

In 1955 Florida set up a commission to write a constitution as result of a citizen's committee. League opposed constitution because some articles were worse than ones they had. Supreme Court ruled the new constitution was no good because of an all or nothing tag. League gained prestige because had opposed.

One of problems is same percentage of race track money is divided equally among counties--no attention given to population, need, emergencies, etc. Greatest problem now is Judicial article amendment, proposed by legislative council to revise lower courts and change higher ones. Before legislature now.

Iowa: Convention question on ballot every 10 years. Just lost chance for revision again in 1960. Looking to 1970. Urban counties voted yes. Iowa is a rural area--rule is by rural. Manufacturers' Association and Farm Bureaus banded together to oppose convention. Many have a "sacred" feeling toward constitution, saying we don't try to change the ten commandments, why change the constitution? League's answer is, "consider the source." Iowa has never had a convention. In 1920 the vote was yes for a convention, but one was never held. People still use this fact in opposition. Iowa has 36 counties using voting machines. This helped defeat issue since statistics show issues never carry if voting is on machines.

Iowa said they found their slide set - "The Case of the Shrinking Violet" most effective of all their publications. Little flyers were effective also.

Kentucky: A constitutional convention has been a long-time CR. Issue was defeated in 1957. In 1958 a reform administration came into power. Its platform and governor's stand coincided with the League's, so at convention took item off of CR and put it on CA.



They have a citizens Committee and a commission at work now. The local Leagues say, "let's keep putting it on the ballot until we wear out the opposition."

Michigan: League got successful vote in 1960 to put on April 1961 ballot a call for constitutional convention. League and Jaycees circulated petitions. Got 328,000 signatures. \$10,000 spent on campaign, but editors gave a "million dollars" worth of publicity. "Citizens for Michigan" came out for a convention (called the "Male LWV"). Both political parties were split on the question. Big issue was state had a deficit in the general fund--could not pay bills--not even teacher's salaries. League attributed this crisis to constitutional defects.

The League made no specific mention as to what it wanted to change in the constitution, as they did not want to be tied. Michigan said the ingredients of success would include: being ready to ride a wave when it comes, have a good cross-section of groups for the movement, get the support of the press, support of citizen's groups, and have a good organization. They said the League must realize it will have to do most of the work.

Kansas: Commission on constitutional revision appointed in 1957, including a number of legislators by invitation. \$5000 appropriated for travel expenses, \$25,000 given by the Ford Foundation for research. Legislative Council has prepared revisions of Executive and Legislative Articles, which are now before legislature. Many regional citizen meetings were held--not spearheaded by the League; e.g., one was co-chaired by a state senator; sessions were held in afternoon and night.

West Virginia: Held a constitutional conference in 1959. Invited all of citizen's committee, all of legislators, all state officials, all county chairmen of both political parties, all state leaders of civic organizations, and high school students. Attendance was good. Used non-League speakers who were good. Publicity was good and invaluable to the League. They plan similar conferences, scaled down, in local areas. A flat fee of \$10.00 was charged. Everyone paid, including the governor. \$2.00 was for registration, rest was for luncheon and dinner--a one-day affair. Receipts covered all expenses, except about \$100.00. 241 registered (besides League people). The conference discussion was transcribed and mimeographed, and copies handed out that night at the dinner meeting. W.V. Has about 500 members. 60 worked on the Conference planning. They later sent out a report to all who attended.

Texas: Was asked to discuss the Opinion Survey and what it showed about the problem of arousing the electorate. We were placed last to feature the unusualness of the Survey--Texas being the first to have done a project of that sort. Your State TCR chairman reported very briefly on how the Survey was conducted and gave percentages favoring, opposing and having no opinion on the revision issue.

Good results - in addition to the Survey percentages - were named, and included: willingness of many citizens to have their opinions quoted, the fact that each section of the Constitution except the Bill of Rights drew criticism of ineffectiveness, nearly all of the respondents requested materials about the Constitution showing a desire to know more about it, and many were interested in knowing about a constitutional conference if one should be held.

Then was discussed some of the problems of arousing the electorate as revealed by the Survey. All of these were classed under one large heading--more citizen education. Problems discussed were: ignorance regarding the Constitution, self-interest of many in provisions dealing only with personal occupations, the size of the State creating



problems of reaching all of the people, lack of womanpower in the Leagues, fear of tampering with the Constitution on the part of some, and money needed for any revision movement.

This was followed by telling the group the highlights of the early Texas Legislative Council report--which the LWV has found so unpalatable--and that the Citizens Advisory Committee was yet to make its report. We told them that the Opinion Survey had not yet been reported other than a preliminary report to local Leagues, but that soon the complete and exciting information was all to go simultaneously to the local Leagues, to the Legislature and CAC and to the press.

We said that at that time we were not sure yet as to all possible uses of the excellent Survey findings, but that it was a marvelous supply of fresh fuel for revision. We reported good public relations generally regarding the Survey, and that most local Leagues felt it was a boost to local League interests.

A number of questions were asked us. There was interest in the size of the communities interviewed, in where we got money to do the Survey, and in whether we sent revision publications ahead of interviews. We told them that all large population centers except El Paso were covered in the project, that local Leagues "footed the bill" largely by providing workers and literature on TCR, and that only a few sent publications ahead of time, a few advance letters, a few sent both.

One delegate suggested that we should try to get IBM to put all our Survey information on cards for easy use--for free, of course.

The State Office sent the following TCR publications to the Conference: 18 each of TCReview, Opinion Kit No. 4, Judiciary Kit No. 3, and 60 each of Leaflets, Brief Case, Mile by Mile and Constitutional Principles. When the meeting ended, only some Leaflets were left.

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Mrs. Holmer announced that the NML is doing a publication--"KNOW YOUR METROPOLITAN AREA." This should be useful to Texas Leagues in the state-local relations field of study.



# League of Women Voters of Texas

2114 SEALY AVENUE

GALVESTON, TEXAS

On Standing Order

December 15, 1960

TO: Local League Presidents and Board Members  
FROM: Mrs. George C. Boller

## PROGRESS REPORT CITIZENS ADVISORY COMMITTEE ON CONSTITUTIONAL REVISION

At the joint meeting of the Texas Legislative Council Study Committee and the Citizens Advisory Committee held at Austin on December 9, 1960, the following were present:

### TLC Study Committee:

Rep. R. A. Bartram, Ch., New Braunfels  
Sen. George Moffett, Chillicothe  
Sen. Bruce Reagan, Corpus Christi

Mr. C. Read Granberry, Ex. Dir. TLC

Mr. Louis S. Wilkerson, Dir. of Research

As a guest, by permission of Mr. Storey:  
Mrs. Harold Murphree, Dickinson

### Citizens Advisory Committee:

Mr. Robert Storey, Chairman, Dallas  
Dr. George E. Hester, Georgetown  
Mrs. George C. Boller, Galveston  
Mr. Franklin W. Denius, Austin  
Mr. C. Y. Mills, Mission  
Mr. Dan Moody, Jr., Austin  
Mr. C. C. Gunn, San Antonio  
Dr. J. Wm. Davis, Lubbock  
Mrs. Horton Wayne Smith, Austin

A resolution was passed in memorium of two committee members recently passed away - Mr. Virgil Seaberry of Eastland, and Dean W. A. Stephenson of Hardin-Simmons University, Abilene. Both of these members were appointees of Governor Daniel.

Prior to this meeting members received copies of the Suggested Part I of Analysis of Certain Constitutional Provisions which appear to be Obsolete, Superfluous and Unnecessary. Suggested Part I contains recommendations by the researchers that 49 sections be eliminated as deadwood.

At the meeting two more sections were delivered to the Committees: 1) Analysis of Preamble of Article I - Bill of Rights, and 2) Analysis of the Legislature (which is not completed).

It is anticipated by the Council that completed research will reach the members of both Committees not later than February 1st, and it was decided that on that date (if not earlier) the Legislature will be given a status report stating that the research had been completed and that a final printed report with recommendations will reach each member of the Legislature by March 1st. If, however, examination of the research by the members of the two Committees indicate insufficient research, this will be the time to ask the Legislature for an extension of time and provision for additional funds. In order to avoid the expense of another meeting of the CAC in the near future, the Chairman was authorized to appoint a liaison committee to work closely with the Council. Mr. Storey appointed Dr. Hester, Mr. Moody, and Mr. Mills, Chairman. Another joint meeting will be held in February, as soon as both of the Committees have had time to study and evaluate the research reports and decide on recommendations to the Legislature.



# League of Women Voters of Texas

2114 SEALY AVENUE

GALVESTON, TEXAS

Mrs. George C. Boller, President  
Phone Southfield 2-8898

July 15, 1960

## FOR IMMEDIATE RELEASE

Citizen opinions regarding the Texas State Constitution will be solicited in a survey to be conducted during the next few months by the League of Women Voters of Texas. This survey ----- to record the opinions of citizens regarding the effectiveness or ineffectiveness of the Constitution, their reasons for their opinions, their suggestions for changes and how to accomplish such changes ----- is a further step by the League in its long campaign to build public interest in the State Constitution.

Citizens of many professions and businesses will be personally contacted by League members in the 34 Texas towns in which the League is organized.

Mrs. George Boller, president, hopes that citizens will welcome this opportunity to express themselves regarding basic state law, and that the Survey results will afford information of great interest to the League, to the members of the two groups (The Texas Legislative Council and the Citizens Advisory Committee for Constitutional Revision) engaged in the current constitutional research project, and to the members of the State Legislature, to whom a report on the research project will be presented at the next legislative session.

Mrs. Boller also points out that the Survey is being conducted in a fair and impartial manner, and individual citizen opinions will remain confidential unless permission to quote is given to the League interviewer.

NOT ON STANDING ORDER



# League of Women Voters of Texas

2114 SEALY AVENUE

GALVESTON, TEXAS

STATE ITEM I

May 1960

## SUGGESTED BIBLIOGRAPHY

### State-Local Relations - Texas Constitutional Revision

#### LEAGUE MATERIALS:

Section 11, KNOW YOUR STATE -- State LWV publication, 25¢ per copy

TEXAS CONSTITUTIONAL REVIEW booklet - " " " " "

TEXAS LAW REVIEW: (Special Issue, October 1957, Constitutional Revision in Texas. All local Leagues have a copy - also all lawyers. Limited supply available from the state LWV office at \$1.00 per copy.)

Pertinent sections are: Toward a More Effective Division of Powers in Local Government; Toward a More Effective County Government; Metropolitan Government; a Challenge of the Twentieth Century; Special Governmental Districts; Constitutional Aspects of Revenue and Taxation in Texas.

INSTITUTE OF PUBLIC AFFAIRS: (Address: The University of Texas, Austin, Texas)

City and County Home Rule in Texas - August 1951 . . . . . \$2.00

State Supervision of Municipal Finance - May 1953. . . . . \$1.00

Problems and Prospects in Texas State Finance - January 1955 . . . . One copy free\*

Governing Texas Metropolitan Areas - May 1955. . . . . One copy free\*

Intergovernmental Relations: An Interpretation for Texas - January 1956. . .  
. . . One copy free\*

State-Local Employment in Texas - September 1959 . . . . . One copy free\*

\*Additional copies of those listed as "One copy free" may be obtained at the following rates:

Quantities of 2 - 50, per copy. . . . . \$0.10

Orders for over 50, per copy. . . . . .08

NATIONAL MUNICIPAL REVIEW: (Address: National Municipal League  
47 East 68th Street, New York 21, N. Y.)

Model County Charter - 109 pages (1956). . . . . \$1.50

New Look at Home Rule, by Benjamin Baker etc. (reprinted from National  
Municipal Review), 32 pages (1955). . . . . .50

(10 or more copies, 10% off list price. 100 or more, 25% off.  
Ask for special educational discounts on orders for 5 or more  
copies.)

Back copies of National Municipal Review: (Available in some libraries and in the  
files of those Leagues that have regularly subscribed to the publication in  
1955, 1956, and 1957.)



Suggested State-Local Bibliography - Page two

Design for the Future, by Dr. Luther Gulick, 46 Nat'l. Munic. Rev. 6 (1957)

Hope for Suburbanitis, by Thomas H. Reed, 39 Nat'l. Munic. Rev. 542 (1950)

Today's Urban Regions, by Dr. Charlton Chute, 45 Nat'l. Munic. Rev. 274 (1956)

A Discussion of a Model Home Rule statement for inclusion in a state constitution, by the Nat'l. Munic. League and the American Municipal Association. 44 Nat'l. Munic. Rev. (March 1955)

MISCELLANEOUS: (Should be available in most libraries.)

City and County Home Rule in Texas, by Keith

State and Local Government in Texas, by Patterson, McAllister and Hester, 448 (1948)

Governmental Organization in Metropolitan Areas, by Tableman, 64 (1951)

Sprawling American Cities Grope for a Formula, by Knowles, The New York Times,  
(Feb. 3, 1957)

Allen Quinn's Discussion of Grand Prairie and Irving, The Dallas Morning News  
(June 27, 28, 1957)

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Local Leagues not doing so now may want to subscribe to the NATIONAL CIVIC REVIEW (formerly National Municipal Review). This publication is a source of information on new developments in state, county, municipal and metropolitan government, plus reports on civic activities and campaigns. Monthly, except August. Annual subscription, \$5.00.

It is also suggested that local Leagues may want to search their own files and elsewhere for pamphlets, books, and articles relating to the subject of State-local Relations, and thus build their individual bibliography. This could be a wonderful assignment for an off-Board person who is interested in research on this topic. Please pass any such findings along to the State Office so the information can be shared with other local Leagues.



May 15, 1962

Return two copies to State Office by July 15, 1962.

Report of  
TCR VISIT WITH TEXAS LEGISLATIVE CANDIDATES

Visit With Fred Red Harris Political Party Democrat  
Office Sought Rep. District-Place 51, place 3  
By League of Women Voters of Dallas Reported by Mrs. L. D. Starr  
Other Leagues represented Richardson and Irving

1. Did he comment on plans to sponsor and/or support legislation for appointment of a Constitutional Commission?

Favors a study group appointed by the Bar Association to act as a Commission. Believes in TCR.

2. Did he favor the Constitutional Convention method of revision? If so, when does he think would be the best time to initiate legislation for a Constitutional Convention?

Fears a Convention. Believes pressures on it would be too great.

3. Did he offer any views or mention any plans concerning deletion of constitutional "deadwood" provisions?

Will vote for "deadwood" amendment.

About amending Article 17?

Will vote for.

4. Did he mention agreement or disagreement with the League's position for integrating functions of justice of the peace courts into courts of record?

Believes this would be very expensive. Knows that abuses do occur.

Is close to "Roadrunners" group (2000 Stemmons Expressway, Dallas) of traveling men who are strongly for reforming Jp traffic procedures.

5. What was his reaction, if any, to hearing the League's stand for full-time judges and for all judges being qualified to practice law in Texas?

Is in favor of our stand.

(PLEASE ADD ANY COMMENTS THAT YOU FEEL WILL BE HELPFUL, USING REVERSE SIDE OF FORM, IF NEEDED.)



May 15, 1962

Return two copies to State Office by July 15, 1962.

Report of  
TCR VISIT WITH TEXAS LEGISLATIVE CANDIDATES

Visit With Robert A. Hughes Political Party Democrat  
Office Sought Rep. District-Place 61, place 7  
By League of Women Voters of Dallas Reported by Mrs. L. D. Starr  
Other Leagues represented Irving and Richardson

1. Did he comment on plans to sponsor and/or support legislation for appointment of a Constitutional Commission?

No. Mr. Hughes is MAINLY satisfied with the Constitution as it is. Asked for SPECIFIC instances of where reforms are needed.

2. Did he favor the Constitutional Convention method of revision? If so, when does he think would be the best time to initiate legislation for a Constitutional Convention?

No. Believes Constitution is in general kept sufficiently up-to-date by present amending method.

3. Did he offer any views or mention any plans concerning deletion of constitutional "deadwood" provisions?

Might vote for deletion of unnecessary sections, but must know exactly what each is for.

About amending Article 17?

Same as above.

4. Did he mention agreement or disagreement with the League's position for integrating functions of justice of the peace courts into courts of record?

Is in favor of our JP stand.

5. What was his reaction, if any, to hearing the League's stand for full-time judges and for all judges being qualified to practice law in Texas?

Is in favor.

(PLEASE ADD ANY COMMENTS THAT YOU FEEL WILL BE HELPFUL, USING REVERSE SIDE OF FORM, IF NEEDED.)



May 15, 1962

Return two copies to State Office by July 15, 1962.

Report of  
TCR VISIT WITH TEXAS LEGISLATIVE CANDIDATES

Visit With Geo. P. Macatee, III Political Party Republican  
Office Sought Rep. District-Place 51, Place 9  
By League of Women Voters of Dallas Reported by Mrs. L. D. Starr  
Other Leagues represented Richardson and Irving

1. Did he comment on plans to sponsor and/or support legislation for appointment of a Constitutional Commission?

Has not studied details of this at present, but is definitely in favor of substantial revision. Is a student of government and extremely open-minded. Would take stand later if elected.

2. Did he favor the Constitutional Convention method of revision? If so, when does he think would be the best time to initiate legislation for a Constitutional Convention?

See above.

3. Did he offer any views or mention any plans concerning deletion of constitutional "deadwood" provisions?

In favor of any modernizing that is consistent with conservative views. Would vote for deletion of "deadwood".

About amending Article 17?

See above.

4. Did he mention agreement or disagreement with the League's position for integrating functions of justice of the peace courts into courts of record?

Would be in favor. Asked for, and has been sent, LWV material on this issue.

5. What was his reaction, if any, to hearing the League's stand for full-time judges and for all judges being qualified to practice law in Texas?

Plans to study our material before taking stand.



May 15, 1962

Return two copies to State Office by July 15, 1962.

Report of  
TCR VISIT WITH TEXAS LEGISLATIVE CANDIDATES

Visit With Rufus T. Higginbotham, Jr. Political Party Democratic  
Office Sought Legislature District-Place Diat. 51; Place 8  
By League of Women Voters of Dallas Reported by Mary Ann Allan  
Other Leagues represented                     

1. Did he comment on plans to sponsor and/or support legislation for appointment of a Constitutional Commission? If elected, he will be a freshman legislator and not inclined to sponsor such major legislation unless asked to do so by the Dallas caucus. Not well informed on need for CR, but has discovered that CR may be practical way to equalize city representation and is much interested in that. Apt to follow lead of Parkhouse
2. Did he favor the Constitutional Convention method of revision? If so, when does he think would be the best time to initiate legislation for a Constitutional Convention? Thinks probably the C.C. method would be best - again because the Legislature is stacked against the cities. He did not know the alternatives until told, so his answer was far from considered. He thinks the best time is as soon as possible if state "can afford" it. Is pledged to "operate in the black" and needs more briefing before he will vote money for CR.
3. Did he offer any views or mention any plans concerning deletion of constitutional "deadwood" provisions? No views because very little knowledge. Being told, he thinks it sounds sensible to cut deadwood but would want to study sections involved first.

About amending Article 17? Thinks amendment OK

4. Did he mention agreement or disagreement with the League's position for integrating functions of justice of the peace courts into courts of record? Favors abolishing JP courts if simplified procedure is available in courts of record to cut costs in small litigation.

5. What was his reaction, if any, to hearing the League's stand for full-time judges and for all judges being qualified to practice law in Texas? Approves and concurs

ADDED COMMENT: This is a capable and reasonably intelligent and well-educated man, of conservative bent. If he can be educated and sold on CR as necessary to prevent continued loss of state functions to Federal government; he could be valuable ally if he stays in the Legislature. At present he has more zeal than information and a rather limited view. We tried to start educating.

(PLEASE ADD ANY COMMENTS THAT YOU FEEL WILL BE HELPFUL, USING REVERSE SIDE OF FORM, IF NEEDED.)



"HOW TO REVISE"...A TCR Skit

...Based on "How to Revise" pamphlet. To be used at March TCR unit meetings.

Characters: two LWV members and one Legislator.

Scene: Office of Legislator, where the two ladies are interviewing him.

Suggested Props: appropriate hats, perhaps a cigar for the Legislator.

Instructions: To be read by TCR Committee member and two other Leaguers. Read slowly in a conversational tone, while seated.

Legislator: Now dear ladies, what is it that takes such CHARMing YOUNG ladies away from their lovely homes, children, bridge games...on such a fine afternoon....?

LWV #1: Well, Mr. Legislator, we want to discuss revising our Constitution with you. Just HOW it can be done. The methods, and so on.

Legislator: Our Constitution? My, my. A very complex matter for such CHARMing YOUNG ladies.....did you ladies ever try gardening? Garden clubs are SO NICE for ladies....ah, well, I see you're determined.....How to revise... there are just two ways it can be done: one is by a Constitutional Convention; the other is by the Legislature. Both ways need the Legislature to start things, and to pass on the results, and of course don't forget that the people have to vote on any change at all, whichever way it's made.....Now you ladies would probably prefer a Convention, isn't that right?

LWV #2: Yes, sir. We feel that a Convention is more democratic since delegates to it are elected directly by the people....each one chosen for this one purpose only.....because he is an outstanding citizen....of well-known character....and trusted to do an important job for the good of the community as a whole....NOT elected to represent any section or interest....

LWV #1: Yes, we think the whole thing belongs more to the people as a whole if done this way. And, too, this is the oldest way of doing the job...all five of our previous Constitutions were written this way, as was the US Constitution.

Legislator: Well, I suppose you'd get prominent people to run for delegates--a one-shot job with lots of prestige attached---that would never run for any ordinary public office. But don't forget, the Legislature would have to decide the basis on which the delegates would be chosen.....whether one from each county, or on a population basis...or however....

LWV #2: Yes, the Legislature would have to decide all the important details, we know that.....besides appropriating the money, setting time and place, and in fact, starting the whole process....

Legislator: But once started, dear ladies, it would be out of our hands...and that's the reason, the big reason, frankly, that lots of us don't like it... no indeed we don't.....why you couldn't tell at all WHAT KIND of a Constitution might come out of such a body...all kinds of interests would be at work on the delegates...business wanting one thing, labor another...the old folks, the farmers, the ranchers, each and every group working to look out



for itself....our old time-tested ways of doing things would all be challenged  
.....our special Texas ways, some of them already under fire from reform  
groups would be in danger.....another reason is the cost: think of that!  
First of all, the preparatory work, in addition to what we've already spent  
on research on the Constitution. We'd need lots more....by experts. Then  
the people would have to vote on whether to hold the convention at all ---  
that costs a million dollars!

LWV #1: Well, we would save one election by balloting at one time on whether to  
have the convention and on the same ballot choosing the delegates.....

LWV #2: Yes, and the expense is meaningless when you think for one minute of  
what the state would save with improvements in our old ways of inefficiency...

Legislator: Well, that's perhaps right...It's the other reason, the unpredict-  
able outcome of such a convention, that's the real stopper.....Ladies,  
I just don't think the Legislature, with its responsibility for doing what's  
best for everybody, is ever...in the near future...going to turn things  
over to...(shakes head)

LWV #1: But couldn't we have a restricted convention?....one that works on  
certain aspects of the constitution only.....a limited convention...  
considering just one or two problems....perhaps reorganizing our finances,  
perhaps working on just this and our welfare problems....or our judiciary...  
or some other pressing need.....Come now, don't you think the legislature  
would consider this?

Legislator: Perhaps. It'd be more likely. Of course, we change the Constitution  
all the time with amendments....that's partly what's wrong with it...only  
way a restricted convention would be an improvement would be that it might  
do a more sweeping job, instead of just changing details.

LWV #2: Yes, the voters are getting very tired of deciding on technical details  
by way of amendments.....and delegates would no doubt be chosen because  
they were experts in the fields under consideration...a big improvement  
over the amendment method.

LWV #1: Of course, there's the possibility of a Constitutional Commission....  
a group chosen to advise the legislature, which then enacts what they  
decide on....This is a very flexible method....other states have used it....  
the commission can be chosen by the legislature, just as our own 18-member  
Citizen's Advisory Committee was....made up of prominent citizens, given  
funds for research....but their role is purely advisory and can easily be  
undercut, as the CAC has been....unless of course there is widespread  
public support for what they advise....

LWV #2: But what about letting the legislature itself revise the Constitution?  
Wouldn't this by-pass some of their objections? Wouldn't it save money?

Legislator: Yes, isn't this more likely to happen than any other method? After  
all, remember, the Legislature has to take the initial step in any method,  
and pass on the results, too....in fact, approve by a two thirds vote.....  
You're right, ladies, this is the most likely way....As a matter of fact,  
right now the Senate has a bill before it for the creation of a Constitutional  
Commission....and the House has a bill which calls for deleting 54 sections



of the Constitution -- the so-called "deadwood" amendment...and also a bill which would introduce something new: that is, letting the Legislature propose revision of all or part of the Constitution as one subject, to be voted on one subject, to be voted on as one question.....instead of detail by detail, as in the current amending method. Of course all these bills were introduced late in the 57th Legislature and none every got to the floor.....but they're there, just the same.

LWV #1: Yes and our job is to interest the public in them.....and to let our dear legislators know that we're interested.....

Legislator: Well, ladies, we're always interested in knowing what you're interested in....that's what keeps us on the move.....why haven't you ladies ever gotten interested in gardening?.....now there's something nice for ladies.....or ceramics? stamp collecting? knitting? quilting bees? antiques? bridge?....



League of Women Voters  
3215 Knox, Dallas 5, Texas

May, 1961

DIALOGUE ON THE TEXAS CONSTITUTION\*

New Texan: Now that you Leaguers have told me all about tornado alerts and the view from the Southland Life, what I'd like to know is - what's all this about changing the State Constitution?

Old Texan: You mean you'd like to know just why the League is not satisfied with our present Constitution? Well, that's a good question. First off, it's NOT because the old Constitution is too long --- or too wordy --- or unsystematically arranged --- though those all are true descriptions of it ---- it's nothing so unimportant as that. The Constitution sets up a government that doesn't fit our needs today. After all, how could it? Written in 1876 by a bunch of farmers....

New Texan: Farmers?.....Don't lawyers usually write these things?

Old Texan: Well, you see, it was like this. After the Civil War.....

(tells in own words story of Gov. Davis, the Grangers, etc. Section I, information sheet.)

New Texan: I see. Nothing like knowing the history of a thing to help one understand it.

Old Texan: Yes. If the men who wrote our Constitution were around today they'd be the first to change it. First of all, the executive department didn't work out the way they planned. They wanted to guard against abuses of power by the governor, so they arranged for seven executives -- seven -- to share the executive power, making the governor more or less a figurehead. Result: lack of responsibility in the office

(tells in own words: about administrative boards  
about lack of leadership for state and how this  
affects responsibility and authority of  
state government.

Sections 2 and 3, Information sheet)

New Texan: You talked about seven executives. Just a word about them, please...

Old Texan: (tells in own words about other executives and their work and qualifications. Section 4, Information sheet.)

New Texan: I am beginning to understand why the League wants a new set-up. Certainly a rich state like Texas should have everything its citizens could want or need with the proper administration.

Old Texan: Did you say rich? Texas is rich, but our financial set-up hamstrings the best use of revenues from our wealth. Didn't you see in the newspapers that we have a deficit at last count of 161 millions? You've arrived just in time to pay some of the new taxes we're going to have to levy...perhaps a sales tax... as there's no state income tax. Our legislators can't get together as yet on just what to tax. You see, Texas, under our Constitution, has no central office of finance....another attempt by our founding fathers to prevent abuse of power

\* State Current Agenda Item I, see Information sheet.



by diffusing that power. Well, it doesn't work out very well.....Two years ago the governor and the comptroller disagreed over whether the state was 47 million or 65 million in the red. A difference of 18 million. No one could, or has as yet, settled the fuss, there being no one person who can balance all the books of the state.

New Texan: You mean that Texas doesn't have a bank account to receive funds and pay them out as a business does, or as I do?

Old Texan: No indeed. Remember I said there's no central financial agency.....instead.....(tells in own words about six financial agencies, ear marked taxes- only 15% of funds are budgetable, resulting amendments to allow new appropriations, two-year appropriation limit, two proposed budgets-one from the executive branch and one from the legislative branch. Section 5, Information sheet.)

New Texan: It certainly appears that reforms are needed if citizens are ever going to be able to understand what goes on with their state's finances. Well, what's being done about it? What is the League doing?

Old Texan: Way back in 1948 the League started a "Know Your State" survey..... This was not completed till 1954.....it's four inches thick, very thorough.... meanwhile we were fighting for a research project to be undertaken by the state to study the Constitution.....just to get an expert opinion.....this took years .....Finally, in 1957 the Legislature did approve a four year program of research by the Texas Legislative Council, which is their own official research body....but they didn't appropriate any money for the study till 1958. Our hopes were high, but we were disappointed.....

New Texan: What do you mean? Didn't the study produce results?

Old Texan: Not what we hoped. In less than a year the TLC reported their findings. They consider the Constitution adequate, "reflects the thinking of the average citizen, and is satisfactory to most Texans." Of course, the League just can't agree. Our own opinion survey showed the exact contrary.

New Texan: You mean that the League has conducted its own survey on the Constitution?

Old Texan: Yes, last year. The findings were just published and show that opinion is overwhelmingly in favor of revision. We talked to all kinds of citizens....while they didn't know much about the details of the Constitution, each seemed to have some aspect of it in mind that needed fixing. Lawyers pointed to laws that are unworkable; business men wanted the financial set-up changed; educators, welfare workers, labor leaders, each had his own example of a needed reform.

New Texan: It sounds discouraging.....what will happen now?

Old Texan: Well, the campaign was spearheaded by a group of illustrious citizens, including two League members, called the Citizen's Advisory Committee. They have agreed to disband for the present, but you can be sure they're not giving up!



INFORMATION SHEET FOR CONSTITUTION-REVISION DIALOGUE:

\* State Current Agenda, Item I

The League of Women Voters of Texas will work for revision of the Texas Constitution by:

- A: Stimulating citizen interest and participation.
- B: Continued support for a thorough research program and for the objectives of the Citizens Advisory Committee.
- C: Continued study:
  - 1. Texas Legislative Council Reports.
  - 2. Other areas of the Constitution, beginning with state-local relations.

1- After the Civil War, Texas was subjected to a carpetbagger regime, headed by Edmund J. Davis, elected governor under the so-called "Iron-clad Oath" law, by which everyone who could not swear an oath that he had never supported the Confederacy was unable to vote. Davis was a very despotic governor. He and his associates raided the treasury and terrorized the state through organized gangs of thugs who called themselves State Rangers. At the same time, the Grant administration in Washington was rife with fraud and corruption, and huge scandals on a national scale were uncovered, including the Credit Mobilier (Congressmen were given railroad stock for voting in favor of railroad legislation), the Whiskey Ring (cabinet members helped to defraud the government of internal revenue), and the Fisk and Gould attempt to corner gold, which helped bring on a serious financial panic and depression. In short, confidence in the government was at a very low ebb.

Against this background, a reform group called the Patrons of Husbandry arose. They were small farmers who demanded government regulation of railroad rates (railroads awarded lower rates to preferred shippers and areas at will), honesty in government, and a return to normalcy in the South. This group was nation-wide, and soon became powerful in Texas, where they were known as the Grangers. When the time came to re-write the carpetbagger Constitution, it was these Grangers who formed the majority of the writers of the new 1876 Constitution, our present one. Ninety delegates to the convention included 41 farmers, 29 lawyers, and 20 others. These men had for the most part had no experience in government and little education of the sort that could prepare them for their task, but they were honest citizens and they dedicated themselves to writing a document that they thought would prevent forever any re-occurrence of the carpetbagger abuses. Therefore, they spelled out in minute detail each operation of the state government, purposely proving little elasticity, little responsiveness to changing needs and changing times.

2- The governor administers the state through administrative boards, 243 of them. When a governor takes office he has an opportunity to fill vacancies on these boards, but he can never appoint a majority of the membership (some are serving terms to which they were appointed by other governors), and once appointed the governor has not any further control over his appointees except that of appointment as terms expire. The boards are all differently organized and range from the Texas Employment Commission, to the boards of State educational institutions. The Railroad Commission, all-important in its regulation of the oil industry is one of these boards.

Scandals have occurred in relation to these boards (Veteran's Land Scandal, insurance scandals) which have been blamed on the governor, but the main fault



with them is that they are far removed from the public eye, costly to operate, and for all practical purposes, impossible as vehicles for leadership. The governor is too easily over-ruled or circumvented to be in control of the situation.

3- Since the governor cannot exert leadership through the administration (although he may exert leadership as a leader of his party), and since the legislature meets only once every two years for a limited time, and even then is burdened with many local problems, the state may tend to drift, and serious problems can become more serious. For instance, consider the Hale-Aiken bills to improve our schools and pay teachers more; the need for safety laws in industry; the welfare needs of the state. Historically the Federal Government has tended to take action when the states do not.

4- The other state executives, all, except the Secretary of State, elected by the people and completely independent of the governor, and equal in status to him, are:

Lt. Gov. - He is president of the Senate, casts his vote in case of a tie, substitutes for Governor in case of need. He has vast power in the legislature since he decides order of business, and may send bills to friendly or unfriendly committees. Not under fire from political opposition, who are in fact, eager to work with him, he often is reelected. Ben Ramsey, present incumbent is serving his sixth term. For these reasons, he can be regarded as more powerful than the governor.

Sec. of State - He is appointed by the Governor, keeps records, appoints notaries public in each county, etc.

Att'y General - He charters corporations, and represents the state in legal matters.

Comptroller of Public Accounts - He has greater power over state spending than any other official. No appropriation bill can be passed until the Comptroller has endorsed it as being covered by available funds. He collects 82% of Texas taxes and administers 35% of that total. The bookkeeping for the variety of special funds is not under his jurisdiction.

Treasurer - His duties are prescribed by the legislature.

Commissioner of the General Land Office - His office dates back to the time when lands were being given away by the state. Now, his is a less significant office.

5- There are six major fiscal agencies, independent of each other, which administer 85% of the revenues of the state, 1) the Comptroller of Public Accounts, 2) the Treasurer, 3) the Board of Control, 4) the Auditor, 5) the Legislative Audit Committee, and 6) the State Tax Board. They manage our so-called "ear-marked" funds --- taxes from specific sources which must be applied to specific uses. Not too bad an arrangement if times only stood still, but completely inadequate in these days of change. The legislature cannot divert or borrow money in any way from any of these funds. As new needs arise, new taxes must be found and levied for them, whether or not there are surpluses in other funds. Only 15% of the current revenues are subject to budgeting; and these must be appropriated on a two-year basis. The State is not allowed by the Constitution to borrow more than \$200,000 at any one time; this totally unrealistic figure is circumvented by issuance of bonds and by other bookkeeping maneuvers. At present the deficit runs over 160 million.

Budgeting is done by the so-called dual budget method: the governor draws up a budget and so does the legislature; the two are then reconciled by the legislature which appropriates as it sees fit to various state agencies out of the 15% of the revenues available. The governor may veto specific items but cannot adjust the amounts, either at the time of passage or during the two-year interim while the legislature is not meeting.



\* S T A T E \*  
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\* R E L A T I O N S \*  
\*            \*

League of Women Voters of Dallas  
3215 Knox Street

October 18, 1961



In general, did you know that

the Texas Constitution treats the subject of local government with a mass of detailed provisions with every grant of power limited by prohibitions and restrictions;

the basic provisions are scattered throughout the Constitution

two articles are titled "counties" and "municipal corporations"

many of most important details are found in legislative, judicial and taxation and revenue articles (56 sections deal with the county)?

Specifically, did you know that the Texas Constitution

defines the County as a subdivision or agent of the State, created to carry out policies which are common to the whole state;

defines cities or towns as agencies of the state, but established to administer the internal affairs within their corporate limits;

also provides for local units of government for special purposes, such as school districts

water districts

hospital district, by amendment of 1954

rural fire prevention districts, amendment of 1949 and more?

Regarding the county structure,

all 254 counties have identical patterns of organization, despite differences in size, population, climate and economic well-being;

largest, 6208 square miles; smallest 147 square miles

most populous, 806,701 to least, 227

most densely populated, 688.5/sq. mile to 0.4/sq. mile

each elect county judge, 4 county commissioners, county clerk, county attorney, 4-8 justices of the peace and constables, sheriff, tax assessor-collector if more than 10,000 population, county treasurer, county surveyor

An amendment of 1933 provided for county home rule -- that a county may adopt its own charter with organization of officials as it deems best, but ----

-- there are 3,000 words in the constitutional provision, and

-- a 12-page enabling act have failed to clarify the powers and limitations of this home rule provision. Hence, no county in Texas has adopted it.

As to limitations,

County Commissioners Court (not a judicial court) have only such powers and jurisdiction over county business as are specifically conferred by the Constitution and laws of the state:



serve as a board of equalization;  
levy a property tax not to exceed 80¢/\$100 valuation (Constitution specifies how much of this tax may be spent for what purpose);  
an additional 30¢ ad valorem tax may be levied, under certain conditions, to be used only for farm-to-market roads or flood control;  
may provide for a retirement and disability plan for county employees, subject to detailed conditions;  
various sources of county revenue are listed, most with accompanying restrictions in their use.

Did you know that under the Texas Constitution, cities and towns are better off than counties as regards "home rule"?

A city having more than 5,000 population may adopt its own charter (gives it the power to have the form of government it desires and to amend or repeal its charter) ---

but the charters adopted cannot contravene Constitution or general laws, limiting "home rule" considerably!

Towns and villages under 5,000 are chartered by general laws, and may select from three different types of government (mayor-council, commission, council-manager).

Do we need reforms in state-local regulations?

Theoretically, Texas Constitution provides the very things for which other states have long sought - provisions for county and city home rule.

But ----possibility for county to adopt a home rule charter has been almost completely negated by a vast number of limitations and restrictions; and  
local option for cities is often superseded by legislative actions.

The Texas Legislative Council (Off-year research body of legislature) has in recent years been authorized study of this phase of Constitution.

1951 - to study the problems of the urban local government units, opportunities for economies through organization of urban local government units, and state and local government relationships.

Results: advise further study.

1955 - to study the duties and compensation of city and county officers with a view toward consolidation of overlapping functions;

and to study all aspects of municipal taxation.



Indications are that the subject urgently deserves expert study and research, since

the Texas Constitution is so filled with detailed statutory provisions where general grants of power might have been given to the various units of local government; a codification of state-local laws, both constitutional and statutory, has long been urged by local officials who must deal with their complexities; and local government problems are multiplying daily, due in great part to the tremendous urbanization of Texas.



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Take a Look at How

OUR 1876 TEXAS CONSTITUTION

frustrates

LEGISLATION !

by

Limitations, Restrictions, Requirements

a n d

Unequal Representation



It makes the job of  
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DID YOU KNOW THAT:

---sessions are limited to only 120 days every other year and special sessions can be called by Governor for specified subjects only?

(Time runs out -- and urgent legislation must wait another two years.)

---the Texas Constitution gives the Legislative branch of government more power than the executive or judicial branch?

---The Constitution sets the order for the presentation and action of bills so precisely that each session, by 4/5ths vote, must nullify it so as to set up a workable order?

---that representation in the House is supposedly by population, yet rural areas are so favored that, for example, Dallas County has one representative to 134,263 people while Anderson County has one for only 28,081? (Harris County, 1 to 154,588!)

---the Constitution is so statutory in nature that the Legislature must attempt to correct it through initiating constitutional amendments (having offered 238 to the people to date) and that 148 have been added?



---the Constitution forbids the legislature from enacting local laws, yet 144 "local and uncontested" laws were passed in 1961 (which interferes with local control) (eg: hospital districts, deer hunting, salaries)?

---the legislature is the overall planner of the State's expenditures but the Constitution allows for no central budgetary control or auditing?

---the Constitution "earmarks" the largest portion of State's funds so that the legislature can not adapt spending to changing needs and conditions?

---the Constitution restricts a legislator from voting on any measure in which he has a "personal interest" yet lobbies can still pay retainers to legislators?

---the Constitution requires committee action on all bills but no record of their action is required?

---the Constitution has so many restricting limitations that an amendment had to be passed to allow Texas to participate in its Centennial celebration?



The University of Texas' Institute of Public Affairs says . . .

"Needless to say, it is not a true constitution in the sense of being a basic fundamental law, but has become a code of laws, with unnecessary and even burdensome detail."

Amendments (initiated by the legislature in an attempt to deal with present-day conditions) have added length and complexity to our out-dated Constitution — patches on patches! Yet we must amend the Constitution more and more . . . as its inadequacies for the 1960's become more evident . . . . unless and until it is revised.



Do your Legislators know that you know that our present Texas Constitution is inadequate?



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The GOVERNOR of TEXAS -----

HEAD or FIGUREHEAD?



League of Women Voters of Dallas  
3215 Knox Street

October 18, 1961



## The Governor of Texas - Head or Figurehead?

In the framework set up by the Texas Constitution of 1876 (our present one) the Governor is chief administrator of the state. However, since the framers of the Constitution wished to avoid creating a strong executive (see "History of the Constitution") they divided the executive power into seven parts and hedged it round with a cumbersome administrative structure. The Governor is considered the "chief" by tradition, courtesy and because he is the standard bearer of the successful political party rather than because of powers given him by the Constitution.

For example, consider the 243 boards and agencies through which the Governor administers the state. The boards follow many different patterns of organization, function and autonomy. The officials of some may administer another; some are headed by one man, others by several; some are obsolete and inactive. The Governor makes appointments to them, BUT because of his short two-year term he is rarely in office long enough to appoint a majority to any one of them. Once they are in office, he cannot remove or effectively control even his own appointees.

It is very difficult to pin down responsibility or to provide vigorous leadership in the administration through this system of independent boards.

## What are the Governor's Financial Powers?

The governor draws up a budget of that portion of state funds which are not "earmarked" - about 15%. (See "Can you Afford Constitutional Confusion?" regarding what is done with the 85% not available for budgeting.) The legislature



also draws up a budget, and the two are reconciled by the legislature. The governor may veto specific items, but may not adjust the amounts, either at time of passage or during the two-year duration of the budget.

#### What are the Governor's Legislative Powers?

At the beginning of each session of the legislature, the Governor makes a report on the condition of the state and makes recommendations, but he has no power to get priority for his program. His veto can be over-ridden by a majority of two-thirds of each house.

#### Who are the other Executives?

The Lt. Governor is the most important. As President of the Senate, he has the tie-breaking vote, decides the order of business, sends bills to committees which he appoints. Thus, it can easily be seen that in legislative matters he has more power than the governor. Also, press and public focus attention on the governor, who receives blame and criticism, while the Lt. Governor can stay out of political controversy -- and can be easily re-elected again and again.

Add to these members of the Executive Branch a powerful Attorney General, a Treasurer, a Commissioner of the General Land Office, a Secretary of State. In addition, the very powerful Railroad Commission which controls the all-important gas and oil industry of Texas is elected and is not subject to control or direction by the Governor.

The needs of Texas are growing. Consider the Hale-Aiken program for improvements in the school system, the juvenile and welfare needs



of the state, not to mention problems concerning water, highways, and health. These can only be met by consistent leadership, and the people must know that this leadership is itself responsible. History shows that failure on the part of one level of government to exercise responsibility can cause that responsibility to be transferred to another level of government.

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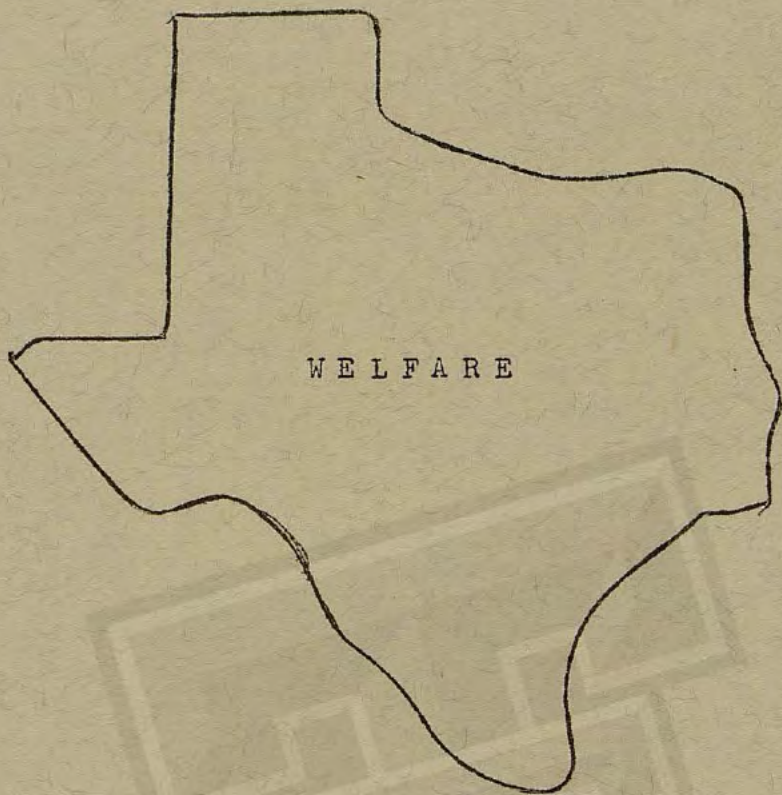
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3215 Knox Street

October 18, 1961



Public Assistance in Texas is a program designed to aid four groups of people: Needy citizens over 65 year old (OAA), needy blind citizens (ANB), children under 14 who are in need through no fault of their own (ADC), and the permanently and totally disabled (APTD) (the helpless and hopeless).

These programs were provided for by amendment to the Texas Constitution under Article III, section 51. The amendment was necessary because our constitution prohibits the giving of money to any individuals, except Confederate veterans and their dependents.

At the present time, the MAXIMUM payments which can be made per month are:

Needy citizen over 65	\$71
Needy blind citizen	\$71
Family with five or any number over five children	\$107
Permanently and Totally Disabled citizen	\$65

Our Constitution sets a limit of \$47,000,000 in payments and in 1960 we had already reached \$46,665,424. But our constitution limits the program through more than just money. The following are just two examples of people who can't be helped because of what our constitution says:

1. An aged mother who moves to Texas to be with her son. After 3 years he dies. The state can do nothing to help her. (See Article III section 51a which says that to qualify for aid a person must have lived in Texas for 5 out of the last 9 years and continuously for 1 year before applying.)
2. A boy 17 who has been supporting himself and helping to support his family is injured and becomes totally and permanently disabled.



Again the state can do nothing. (See Article III Section 51b - the second 51b. Through an error there are two such sections: one is on the "State Building Commission", the other states that a needy totally and permanently disabled citizen must have passed his 18th birthday to receive assistance. Article III Section 51a says children must be under 16 to qualify for aid.)

In 1960 the federal government contributed \$120,473,752.53 to our Texas welfare program or 72%.

Did you know that the Texas Constitution limits Texas' share to \$25 per individual (in case of the APTD it's 20)?

Did you know that our constitution says that no dollar of Texas' share may be spent unless it is matched by a federal dollar?

This means that if Washington should stop its welfare program, Texas could not continue at all.



The League of Women Voters of Texas will work for revision of the Texas Constitution by:

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- C. Continued study:
  - 1. Texas Legislative Council Reports.
  - 2. Other areas of the Constitution, beginning with state-local relations.



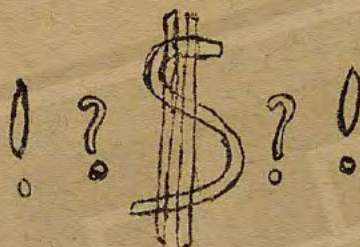
It's YOUR money!

It's YOUR money!

Can You Afford

CON\$TITUTIONAL

CONFU\$ION



League of Women Voters of Dallas  
3215 Knox Street

October 18, 1961



Do you know that your State Constitution provides NO central control of finance?

Do you know that your State Constitution sets up SIX SEPARATE state fiscal agencies which operate independently of each other?

Do you know that your State Constitution has 48 scattered sections dealing with finance?

Do you know that only 15% of your state's income can be budgeted -- that is, made available for current needs at the discretion of the legislature?

Do you know that 85% of your state's income is rigidly "ear-marked" by the Constitution for specific purposes --- and must be spent for those purposes or put aside for them as a surplus?

Do you know that these special funds (243 of them!) are all administered separately in a great variety of ways by different offices?

Do you know that your State Constitution forbids the legislators to borrow or divert any "ear-marked" funds for other uses even though they are not needed for the purposes specified by the Constitution and are needed for other uses?



Do you know that even the state officials themselves disagree on what the Constitution provides ---- that in 1959 the Governor and Comptroller disagreed publicly over whether the deficit was \$65 or \$47 million? A difference of \$18 million that would necessarily come out of new taxes?

Do you know that at the time of the above-mentioned deficit, there was a SURPLUS of over \$150 million on balance in the special "ear-marked" funds? (As reported by the State Legislative Council, April, 1959).

Do you know that though the Constitution sets a debt limit of \$200,000 (and do you think this is a realistic figure?) it is circumvented by issuance of bonds? That Texas has a deficit of about 161 million dollars?

Do you know that under the present system all budgeting must be done on a two-year basis? That between legislative sessions nothing can be done to meet the financial needs of the state? That the governor cannot change budgeted amounts, either at time of budget message or between legislatures, but may only veto them?

Do you SEE how all this leads to

Constitutional Confusion ???



The writers of the 1876 Constitution, working just after the Civil War, were justifiably anxious to protect the State funds from irresponsible spending and themselves and their heirs from irresponsible taxation. But they tried to accomplish this by writing detailed and restrictive statutory laws into the Constitution --- laws suited to the rural, thinly-populated frontier state which was Texas at that time.

Today, the good intentions of the original writers are defeated by the system they set up. Not only is it difficult to understand even the broad outlines of the financial workings of the State, but the rigid "ear-marking" of funds and the overly complex and numerous accounting systems have brought about confusion, circumventions and unnecessary expenses.

A sound financial system would not allow both a large deficit and an even larger surplus to exist at the same time!

What is needed is a financial administration that is co-ordinated, easily understood by the public, and capable of efficient administration.

It's YOUR money! Can you afford this

### Constitutional Confusion?

The League of Women Voters of Texas will work for revision of the Texas Constitution by:

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  2. Other areas of the Constitution, beginning with state-local relations.



A  
S H O R T  
HISTORY  
of the  
T E X A S  
CONSTITUTION

A Constitution is the fundamental law which establishes the relationship between the people and their government.

Constitutional Law: A law made by the people.

Statutory Law: Laws made by delegates of the people to carry out the purpose of Constitutional law.

League of Women Voters of Dallas  
3215 Knox Street  
October 18, 1961



Our present State Constitution was written in 1876 against a background of the troubled post-Civil War period. After the Civil War, Texas was subjected to a carpetbagger regime, headed by a governor who had been elected under the "Iron-Clad Oath" law, which disqualified for voting everyone who could not swear that he had never in any way supported the Confederacy. This disqualified most native whites. The governor and his gang raided the treasury and terrorized the state. At the same time, the corrupt Grant administration was revealing huge scandals on a national scale. Distrust of government, both state and Federal was widespread.

Against this background, a reform group called the Patrons of Husbandry arose. They were small farmers who demanded various reforms and a return to normal government in the South. This group was nation-wide, and soon became powerful in Texas where they were known as the Grangers. When the time arrived to re-write



the post-Civil War Constitution, these Grangers formed the majority of the writers of the 1876 Constitution. Of 90 delegates, 41 were farmers, 29 lawyers and 20 from other occupations. Few were widely known; unlike the framers of the U. S. Constitution, they had, for the most part, little education and no experience in government of the kind that could prepare them for their task. They were honest citizens, however, and they dedicated themselves to writing a document that they thought would prevent forever any recurrence of the carpet-bagger abuses. Therefore, instead of outlining only the broad principles of government as did the writers of the U. S. Constitution, the framers of our State Constitution spelled out in minute detail each operation of the state government, purposely providing little elasticity. Instead of giving general directions to the legislature, they surrounded it with prohibitions. Instead of providing for leadership by the



governor, they deprived him of direct responsibility and the power to lead. Instead of setting up a single office of finance, they divided state finances into numerous special funds and special agencies. Thus it can be seen that almost every function of the state government has been affected by the many inflexible provisions of the 1876 Constitution.

- - - - -

The League of Women Voters of Texas will work for revision of the Texas Constitution by:

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  - 2. Other areas of the Constitution, beginning with state-local relations.



League of Women Voters  
3215 Knox, Dallas 5, Texas

May, 1961

#### DIALOGUE ON THE TEXAS CONSTITUTION\*

New Texan: Now that you Leaguers have told me all about tornado alerts and the view from the Southland Life, what I'd like to know is - what's all this about changing the State Constitution?

Old Texan: You mean you'd like to know just why the League is not satisfied with our present Constitution? Well, that's a good question. First off, it's NOT because the old Constitution is too long --- or too wordy --- or unsystematically arranged --- though those all are true descriptions of it ---- it's nothing so unimportant as that. The Constitution sets up a government that doesn't fit our needs today. After all, how could it? Written in 1876 by a bunch of farmers....

New Texan: Farmers?.....Don't lawyers usually write these things?

Old Texan: Well, you see, it was like this. After the Civil War.....

(tells in own words story of Gov. Davis, the Grangers, etc. Section I, information sheet.)

New Texan: I see. Nothing like knowing the history of a thing to help one understand it.

Old Texan: Yes. If the men who wrote our Constitution were around today they'd be the first to change it. First of all, the executive department didn't work out the way they planned. They wanted to guard against abuses of power by the governor, so they arranged for seven executives -- seven -- to share the executive power, making the governor more or less a figurehead. Result: lack of responsibility in the office

(tells in own words: about administrative boards  
about lack of leadership for state and how this  
affects responsibility and authority of  
state government.

Sections 2 and 3, Information sheet)

New Texan: You talked about seven executives. Just a word about them, please...

Old Texan: (tells in own words about other executives and their work and qualifications. Section 4, Information sheet.)

New Texan: I am beginning to understand why the League wants a new set-up. Certainly a rich state like Texas should have everything its citizens could want or need with the proper administration.

Old Texan: Did you say rich? Texas is rich, but our financial set-up hampers the best use of revenues from our wealth. Didn't you see in the newspapers that we have a deficit at last count of 161 millions? You've arrived just in time to pay some of the new taxes we're going to have to levy...perhaps a sales tax... as there's no state income tax. Our legislators can't get together as yet on just what to tax. You see, Texas, under our Constitution, has no central office of finance....another attempt by our founding fathers to prevent abuse of power

\* State Current Agenda Item I, see Information sheet.



by diffusing that power. Well, it doesn't work out very well.....Two years ago the governor and the comptroller disagreed over whether the state was 47 million or 65 million in the red. A difference of 18 million. No one could, or has as yet, settled the fuss, there being no one person who can balance all the books of the state.

New Texan: You mean that Texas doesn't have a bank account to receive funds and pay them out as a business does, or as I do?

Old Texan: No indeed. Remember I said there's no central financial agency.....instead.....(tells in own words about six financial agencies, ear marked taxes- only 15% of funds are budgetable, resulting amendments to allow new appropriations, two-year appropriation limit, two proposed budgets-one from the executive branch and one from the legislative branch. Section 5, Information sheet.)

New Texan: It certainly appears that reforms are needed if citizens are ever going to be able to understand what goes on with their state's finances. Well, what's being done about it? What is the League doing?

Old Texan: Way back in 1948 the League started a "Know Your State" survey..... This was not completed till 1954.....it's four inches thick, very thorough.... meanwhile we were fighting for a research project to be undertaken by the state to study the Constitution.....just to get an expert opinion.....this took years .....Finally, in 1957 the Legislature did approve a four year program of research by the Texas Legislative Council, which is their own official research body....but they didn't appropriate any money for the study till 1958. Our hopes were high, but we were disappointed.....

New Texan: What do you mean? Didn't the study produce results?

Old Texan: Not what we hoped. In less than a year the TLC reported their findings. They consider the Constitution adequate, "reflects the thinking of the average citizen, and is satisfactory to most Texans." Of course, the League just can't agree. Our own opinion survey showed the exact contrary.

New Texan: You mean that the League has conducted its own survey on the Constitution?

Old Texan: Yes, last year. The findings were just published and show that opinion is overwhelmingly in favor of revision. We talked to all kinds of citizens....while they didn't know much about the details of the Constitution, each seemed to have some aspect of it in mind that needed fixing. Lawyers pointed to laws that are unworkable; business men wanted the financial set-up changed; educators, welfare workers, labor leaders, each had his own example of a needed reform.

New Texan: It sounds discouraging.....what will happen now?

Old Texan: Well, the campaign was spearheaded by a group of illustrious citizens, including two League members, called the Citizen's Advisory Committee. They have agreed to disband for the present, but you can be sure they're not giving up!



INFORMATION SHEET FOR CONSTITUTION-REVISION DIALOGUE:

\* State Current Agenda, Item I

The League of Women Voters of Texas will work for revision of the Texas Constitution by:

- A: Stimulating citizen interest and participation.
- B: Continued support for a thorough research program and for the objectives of the Citizens Advisory Committee.
- C: Continued study:
  - 1. Texas Legislative Council Reports.
  - 2. Other areas of the Constitution, beginning with state-local relations.

1- After the Civil War, Texas was subjected to a carpetbagger regime, headed by Edmund J. Davis, elected governor under the so-called "Iron-clad Oath" law, by which everyone who could not swear an oath that he had never supported the Confederacy was unable to vote. Davis was a very despotic governor. He and his associates raided the treasury and terrorized the state through organized gangs of thugs who called themselves State Rangers. At the same time, the Grant administration in Washington was rife with fraud and corruption, and huge scandals on a national scale were uncovered, including the Credit Mobilier (Congressmen were given railroad stock for voting in favor of railroad legislation), the Whiskey Ring (cabinet members helped to defraud the government of internal revenue), and the Fisk and Gould attempt to corner gold, which helped bring on a serious financial panic and depression. In short, confidence in the government was at a very low ebb.

Against this background, a reform group called the Patrons of Husbandry arose. They were small farmers who demanded government regulation of railroad rates (railroads awarded lower rates to preferred shippers and areas at will), honesty in government, and a return to normalcy in the South. This group was nation-wide, and soon became powerful in Texas, where they were known as the Grangers. When the time came to re-write the carpetbagger Constitution, it was these Grangers who formed the majority of the writers of the new 1876 Constitution, our present one. Ninety delegates to the convention included 41 farmers, 29 lawyers, and 20 others. These men had for the most part had no experience in government and little education of the sort that could prepare them for their task, but they were honest citizens and they dedicated themselves to writing a document that they thought would prevent forever any re-occurrence of the carpetbagger abuses. Therefore, they spelled out in minute detail each operation of the state government, purposely proving little elasticity, little responsiveness to changing needs and changing times.

2- The governor administers the state through administrative boards, 243 of them. When a governor takes office he has an opportunity to fill vacancies on these boards, but he can never appoint a majority of the membership (some are serving terms to which they were appointed by other governors), and once appointed the governor has not any further control over his appointees except that of appointment as terms expire. The boards are all differently organized and range from the Texas Employment Commission, to the boards of State educational institutions. The Railroad Commission, all-important in its regulation of the oil industry is one of these boards.

Scandals have occurred in relation to these boards (Veteran's Land Scandal, insurance scandals) which have been blamed on the governor, but the main fault



with them is that they are far removed from the public eye, costly to operate, and for all practical purposes, impossible as vehicles for leadership. The governor is too easily over-ruled or circumvented to be in control of the situation.

3- Since the governor cannot exert leadership through the administration (although he may exert leadership as a leader of his party), and since the legislature meets only once every two years for a limited time, and even then is burdened with many local problems, the state may tend to drift, and serious problems can become more serious. For instance, consider the Hale-Aiken bills to improve our schools and pay teachers more; the need for safety laws in industry; the welfare needs of the state. Historically the Federal Government has tended to take action when the states do not.

4- The other state executives, all, except the Secretary of State, elected by the people and completely independent of the governor, and equal in status to him, are:

Lt. Gov. - He is president of the Senate, casts his vote in case of a tie, substitutes for Governor in case of need. He has vast power in the legislature since he decides order of business, and may send bills to friendly or unfriendly committees. Not under fire from political opposition, who are in fact, eager to work with him, he often is reelected. Ben Ramsey, present incumbent is serving his sixth term. For these reasons, he can be regarded as more powerful than the governor.

Sec. of State - He is appointed by the Governor, keeps records, appoints notaries public in each county, etc.

Att'y General - He charters corporations, and represents the state in legal matters.

Comptroller of Public Accounts - He has greater power over state spending than any other official. No appropriation bill can be passed until the Comptroller has endorsed it as being covered by available funds. He collects 82% of Texas taxes and administers 35% of that total. The bookkeeping for the variety of special funds is not under his jurisdiction.

Treasurer - His duties are prescribed by the legislature.

Commissioner of the General Land Office - His office dates back to the time when lands were being given away by the state. Now, his is a less significant office.

5- There are six major fiscal agencies, independent of each other, which administer 85% of the revenues of the state, 1) the Comptroller of Public Accounts, 2) the Treasurer, 3) the Board of Control, 4) the Auditor, 5) the Legislative Audit Committee, and 6) the State Tax Board. They manage our so-called "ear-marked" funds --- taxes from specific sources which must be applied to specific uses. Not too bad an arrangement if times only stood still, but completely inadequate in these days of change. The legislature cannot divert or borrow money in any way from any of these funds. As new needs arise, new taxes must be found and levied for them, whether or not there are surpluses in other funds. Only 15% of the current revenues are subject to budgeting; and these must be appropriated on a two-year basis. The State is not allowed by the Constitution to borrow more than \$200,000 at any one time; this totally unrealistic figure is circumvented by issuance of bonds and by other bookkeeping maneuvers. At present the deficit runs over 160 million.

Budgeting is done by the so-called dual budget method: the governor draws up a budget and so does the legislature; the two are then reconciled by the legislature which appropriates as it sees fit to various state agencies out of the 15% of the revenues available. The governor may veto specific items but cannot adjust the amounts, either at the time of passage or during the two-year interim while the legislature is not meeting.



TCR OPINION SURVEY LIST OF 200

✓ chambers  
1960

Business 33

Mr. Fred Florence - LWV Advisory Committee

Judge Gordon Simpson

Mr. Jerome K. Grossman - LWV Advisory Committee - Ryan Consolidated Petroleum Co.

Mr. Jacob Feldman - Feldman Foundation - LWV Advisory Committee

Mr. Cecil H. Green - Geophysical Service Co - LWV Advisory Committee

Mr. Leonard M. Green - petroleum products - LWV Advisory Committee

Mr. Leon Harris - LWV Advisory Committee

Mr. Hastings Harrison - consultant to Dr. Tate - LWV Advisory Committee

Mr. Fred M. Lange - Community Chest - LWV Advisory Committee *Civic organizations*

Mr. J.L. Latimer - Magnolia Petroleum - LWV Advisory Committee

Mr. Eugene McElveney - First Nat. Bk - LWV Advisory Committee

Mr. James D. Meeks - Public Library - LWV Advisory Committee

Mr. Henry S. Miller - Real Estate - LWV Advisory Committee

Mr. Lawrence Pollock - Pollock Paper - LWV Advisory Committee

Mr. Graham Reid - investments - LWV Advisory Committee

Mr. Jack Wyatt - advertising - LWV Advisory Committee

Mr. Angus G. Wynn, Jr. - Commercial realtor - LWV Advisory Committee

Mr. Stanley Marcus - LWV Advisory Committee - Neiman-Marcus

Mr. W.W. Overton - LWV Advisory Committee

Mr. Ben Wooten - LWV Advisory Committee

Mr. J. Eric Jonsson - LWV Advisory Committee

(Mr. (Fred O.?) Detweiler - (Chance-Vought) *Irving*)

D.A. Hulcy

Mr. Clint Murchison, Jr.

Mr. Toddie Lee Wynn

Mr. Henry Beck, Jr. (construction)

~~Mr. Neil Mallon~~

~~Mr. W. Dow Hamm (Atlantic Refining Co)~~

Mr. Charles Beard - (Braniff)

Mr. Al Meadows - oil

Mr. Denys Slater (Fishburn's)

Mr. Vick Clesi (restaurants)

Mr. Ed Maher (cars)

Mr. J.W. Bateson (construction)

Ebby Halliday (women) - real estate

Mr. Fred Peak - real estate

(Southwestern Life Insurance Co - check Mr. Charles H. Connally and  
Mr. R.R. Davenport - Vice-Pres.)



✓ Chambers

Education 34 + school teachers picked by interviewers

School Administrators - 46 General Offices 3700 Ross Ave - Dallas District

Dr. W.T. White Superintendent  
Mr. R.H. McRay - Assistant Superintendent  
Mr. Frank Williams - Assistant Superintendent  
Mr. Ewell D. Walker - "  
Mr. T.W. Browne - "  
Mr. Don Matthews - "

School Board

Mr. Franklin E. Spafford  
Mr. Robert Folsom  
Mr. Robert L. Dillard, Jr.  
Mr. Donald M. Bruton  
Mr. Van Lamm  
Mrs. Vernon Ingram  
Mrs. Tracy Rutherford  
Mr. Rouse Howell  
Mr. Robert B. Gilmore

Teachers and Professors

Dr. John Glaunch (government)  
Mr. Wallace Lovejoy (economics)  
Dr. Willis Tate - (President or chancellor?)  
Mr. Charles Webster (law school)  
Mr. Charles Galvin (law school)  
Dr. Claude C. Albritton, Jr. (geologist)  
Dr. Hemphill Hosford -  
Dr. Richard Johnson - (head of economics dept)  
Dr. Robert M. Trent (librarian)  
Dr. Sidney Reagan (business school)  
Dean Robert G. Storey  
Dr. John Spratt (economic historian)  
Dr. Paul Geren LUV Advisory Committee

These are all at SMU  
Letters may be addressed  
to SMU; for telephoning  
for appointments, call  
SMU.

Students

Graduate students - economics

Mr. Gene Conatser

Mr. David A. Bowers - 3121 University

Other students (campus addresses can be had by calling SMU)

Mr. David Musslewhite

Mr. Henry Oden - editor "Campus" - paper

Mr. David Hughes - managing editor "Campus"

Miss Ann Galbraith - news editor "Campus"



Government Officials

32 (includes judges, p. 3A)

Federal

Rep. Bruce Alger  
? Mr. Joe Pool ?

State

Rep. Robert H. Hughes  
Rep. Bill Jones  
Rep. Tom James  
Rep. Ben Atwell  
Rep. Ben Lewis  
~~Rep. Robert Johnson (lives in Irving and will probably be seen by Irving LW)~~  
~~Rep. John Crosthwait (retired)~~  
Sen. George Parkhouse

Local City Council (Business Addresses)

Mayor R.L. Thornton  
Mr. Elgin B. Robertson - 1339 Plowman  
Mrs. Carr P. Collins, Jr. - 10111 Gaywood Rd. (home)  
? Mr. N.E. McKinney 1315 S. Buckner  
Mr. Walter Cousins, Jr. - 625 Wilson Bldg.  
Mr. Joe Geary - 900 Vaughn Bldg.  
? Mr. George F. Mixon - 305 Preston Royal Shopping Center  
2. Mr. Teddy Harris - 546 E. 9th  
Dr. R.A. Self - 800 N. Oak Cliff Blvd.

County Commissioners

Judge W.L. Sterrett Records Bldg.  
Mr. Mel Price "  
Mr. Denver Seale "  
Mr. Jesse Bell "  
Mr. John Field "  
Mr. Ben Gentle - Tax Assessor-Collector (County) Dem. Candidate Pct. 1.  
Mr. Bill Decker - Sheriff (County)

Candidates

Mr. Frank Crowley, Republican Candidate for County Commissioner pct. 1 - Pro Pitt  
Mr. Joseph N. Ratcliff, Democratic Candidate for Legislature, Place 1  
3757 Macmillan  
Mr. Tom Byrne, Republican Candidate for Legislature, Place 1 - Pro Pitt

Political Party Leaders 5

County Chairman Democrats - Mr. Ed Drake  
Executive Secretary Democrats - Manuel DeBusk (lawyer)

Mr. S. L. Hay

Loyalist Democrat leader Joe Bailey Humphreys

County Chairman Republicans - Mr. Peter O'Donnell  
Executive Secretary Republicans - Mrs. Cole (call Rep. HQ for first name)



Government Officials Continued - 7

Judges (Business Addresses in telephone book)

Judge T. Whitfield Davidson  
Judge Sarah T. Hughes  
Judge Beth Wright  
Judge J. Frank Wilson  
Judge Henry King  
Judge Joe B. Brown

District Attorney Henry Wade

? { Puerifoy - specialized in juvenile  
Hyer - former ass't D.A.  
Blankenship - former legislator



Professions

## Legal 10

W. H. Rogers?  
mercant Bldg.  
R12-3295

Mr. Paul Carrington - LWV Advisory Committee Pres. Texas Bar  
Mr. J. Woodall Rogers - LWV Advisory Committee  
Mr. Robert Bowles - 211 N. Ervey Bldg.  
Dr. Walter E. Boles - SMU  
Mr. Henry C. Cokes  
Mr. Lemar Holley  
Mr. J. Paul Jackson  
Mr. Martin Rowe  
Margaret Brand Smith  
Mr. Wright Matthews  
Mr. Joe Stevens  
Mr. John Erhard

Could not find

Stephens Carrington

## Medical 10

Dr. Harold M. Block - LWV Advisory Committee  
Dr. Alfred W. Harris - LWV Advisory Committee  
Dr. Samuel Shelburne - LWV Advisory Committee  
Dr. William Guerriero  
Dr. Malcolm Bowers (dentist)  
Dr. James B. Baldwin  
~~Dr. Alvin J. Baldwin~~  
Dr. Mary A. Jennings  
Dr. H.J. Lukeman  
Dr. Morris F. Waldman

## Religious 7

Dr. W.A. Griswell - First Baptist Church of Dallas  
Bishop Thomas K. Gorman - Roman Catholic Archdiocese of Dallas-Ft. Worth  
Our Redeemer Lutheran Church - 8226 Douglas  
Rev. Wm. H. Dickinson, Jr. - Highland Park Methodist Church  
First Presbyterian Church in Dallas - Rev. Thomas A. Fry, Jr.  
First Unitarian Church - Dr. Robert Raible  
Bishop C. Avery Mason, Episcopal Diocese of Dallas  
Rabbi Levi Olan, Temple Emanu-El - Hillcrest

Rev. Patrick Henry  
Rev. Luther Holcomb.

LABOR

~~BUTSCHER, Matt~~  
~~Malley, Pres. CIO~~  
~~Winton, A.B.~~

5710 Church Ave. H.B.  
EM 8-6154



Professions

Legal - 10

Mr. Paul Carrington - LWV Advisory Committee Pres. Texas Bar  
Mr. J. Woodall Rogers - LWV Advisory Committee  
Mr. Robert Bowles - 211 N. Ervay Bldg.  
Dr. Walter E. Boles - SMU  
Miss Sarah Daniels - former LWV member  
Mr. Henry C. Coke  
Mr. Lamar Holley  
Mr. J. Paul Jackson  
Mr. Martin Row  
Margaret Brand Smith  
Mr. Wright Matthews  
Mr. Joe Stevens  
Mr. John Erhard

Medical - 10

Dr. Harold M. Block - LWV Advisory Committee  
Dr. Alfred W. Harris - LWV Advisory Committee  
Dr. Samuel Shelburne - LWV Advisory Committee  
  
Dr. William Guerriero  
Dr. Malcolm Bowers (dentist)  
Dr. James B. Baldwin  
Dr. Alvin J. Baldwin  
Dr. Mary A. Jennings  
Dr. H.J. Lukeman  
Dr. Morris F. Waldman

Religious 7

Dr. W.A. Criswell - First Baptist Church of Dallas  
Bishop Thomas K. Gorman - Archdiocese of Dallas-Ft. Worth; Roman Catholic.  
Our Redeemer Lutheran Church - 8226 Douglas  
Rev. Wm. H. Dickinson, Jr. - Highland Park Methodist Church  
First Presbyterian Church in Dallas - Rev. Thomas A. Fry, Jr.  
First Unitarian Church - Dr. Robert Raible  
Bishop C. Avery Mason - Episcopal Diocese of Dallas  
Rabbi Levi Olan - Temple Emanu-El  
Rev. Patrick Henry  
Rev. Luther Holdcomb



Newspapermen, Radio and TV 25

Dallas News

Dick West ✓  
Ted Dealey ✓  
Wm. B. Ruggles ✓ LW Advisory Committee  
Stuart McGregor ✓  
Lynn Landrum ✓  
Frank X. Tolbert ✓  
Paul Crum ✓  
John E. King, City Editor ✓  
Allen Duckworth ✓  
Katherine Dillard ✓

Richard Morehead  
Austin

Dallas Times Herald

John Runyon - Pres. ✓  
James Chambers - Exec. Vice-Pres ✓  
Dennis Hoover ✓  
Frank Lanston (Langston) ✓  
B.C. Jefferson ✓  
Charles Dameron ✓  
Bob Hollingsworth ✓  
Felix R. McKnight - Exec. Editor ✓  
Vivian Castleberry ✓

Margaret Hayer  
Austin

Mr. Allen Merriam - Times Herald - LW Advisory Committee ✓  
KRLD - Clyde Rembert ✓

WFAA - Alex Keese (Keese) ✓

KIXL - Lee Segall ✓

KLIF - Gordon McLendon ✓

Educational TV Station - Mr. E.O. Cartwright - Merrill Lynch, Pierce, Fenner & Smith ✓

(Possibly see KVIL and KBOX)



Sandra Dillard - 30 Min.

TCR Opinion Survey, page 6

Civic Organization Leaders 22

ms. Waldo Stewart  
ms. Thomas Blake  
ms. Eddie Marcus  
ms. Stathacos Condos  
Ruggie

B PW

PTA

Kiwanis

Slks

measns

J C's

C o f C

2 Bais Jr & Sr,

Y's

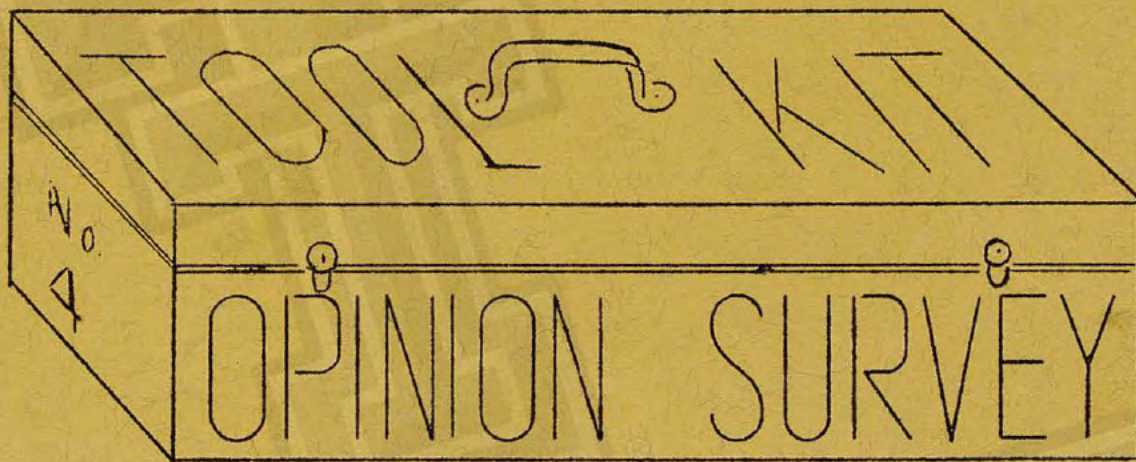
AAUW

DAR

Public Affairs Luncheon Club



# *Citizen Opinions on Texas Constitutional Revision*



A GUIDE FOR CONDUCTING SURVEYS  
IN LOCAL COMMUNITIES

*League of Women Voters of Texas*

2114 SEALY AVENUE



GALVESTON, TEXAS

July 1960



TOOL KIT NO. 4 is leadership material . . . . . for Board members  
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# I N D E X

Reference materials . . . . . Bottom of this page

Introduction to Survey, purpose . . . . . page 1

The Nature of the Revision Issue. . . . . page 1

The Importance of the Survey to Constitutional Revision . . . . . page 2

STEP I -- Suggested Board Planning. . . . . pages 2-3

STEP II -- Suggested Organization of the Survey . . . . . pages 3-4

STEP III -- Conducting the Survey -- Interviewing . . . . . pages 5-6

STEP IV -- Assembling and Reporting . . . . . page 6

Suggested Training Sessions for Interviewers - FIRST Session . . . . . pages 6-7

SECOND Session . . . . . pages 7-8-9

Suggested Categories for Interviewing . . . . . page 10

Opinion Survey Questionnaire Form (1¢ from State Office). . . . . pages 11-12

Preliminary TCR Opinion Survey Report Form. . . . . page 13

Final TCR Opinion Survey Report Form . . . . . page 14

Mile by Mile, 1960 (the LWV and TCR), (2¢ from State Office). . . . . pages 15-16

Constitutional Principles, 1960 (1¢ from State Office). . . . . page 17

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## Reference materials available in each local League:

(Order additional copies from State Office at prices listed)

KNOW YOUR STATE SURVEY, 11 sections, 25¢ each . . . . .	\$2.50
TEXAS CONSTITUTIONAL REVIEW booklet (\$20.00 per 100). . . . .	.25
TCR LEAFLETS. . . . .	.100 for 1.00
TEXAS LAW REVIEW, October <del>1958</del> 1957 . . . . .	1.00
BRIEF CASE FOR REVISION, 1960 . . . . .	.02½
CONSENSUS REPORT, Texas Judiciary, Feb. 1, 1960 . . . . .	.02
THE TEXAS VOTER, Sept. 1959, Feb. 1960, May 1960 (Limited supply available free)	
CAC Interim Report to 56th Legislature (A few extra copies in State Office)	
ARNOLD FOUNDATION MONOGRAPHS (order additional copies @ \$1.00 from Arnold Foundation at SMU)	



## introduction

The League of Women Voters of Texas faces the challenging task of interesting and involving citizens in revision of our Texas Constitution. The Constitutional Opinion Survey as outlined in this Kit is designed as a tool to further this cause. The over-all purpose of the survey is to gain a view of statewide opinion on constitutional revision and to stimulate more citizen interest in the subject. The basic purpose is to learn who is for and who is against revision - and why, and who needs to be made aware of the relation between the problems in state government and our 1876 Constitution. By personally interviewing many persons in many different categories in many different localities, the League will seek to arouse many more citizens to the importance of our fundamental law as it affects the welfare and progress of each individual, and that of the entire State.

This grassroots exploration of the climate of public opinion concerning revision is one in which all League members can have a part. Three months are suggested for completion of the project with October 1st as the deadline for final reporting to the State TCR Chairman. This Kit outlines methods for conducting the Survey, with suggestions for Board planning and organization, training of interviewers, questions to ask the respondents, and plans for writing up and reporting the Survey findings. To secure the maximum benefits from the best possible timing it is suggested that the local TCR Committee and the local Board start planning the project early to allow sufficient time for interviewing, assembling and reporting.

## the nature of the revision issue

The League of Women Voters of Texas believes that the State Constitution should be revised, and that Texans should participate in such revision. The reasons for this belief are briefly, but clearly, pointed out in BRIEF CASE FOR REVISION, in the five LEAFLETS and in other League materials. In addition, the League has adopted ten PRINCIPLES which it believes are suitable yardsticks to guide revision. Research by The Texas Legislative Council, and the study, recommendations and reports of the Citizen Advisory Committee are also deeply involved with the revision program. However, before any actual revision can begin, the people of Texas must want and work for revision. They must instruct their legislators to plan for revision, after which such plan would be submitted to a referendum of the people of the State. Only the people of Texas can change their government, and the initiation of such change must come through the Legislature.

If Texas citizens recognize the complex and conflicting provisions of their basic document of government, and can see how its limitations restrict governmental functions and services, they should be ready to join in a movement for revision. It is the responsibility of the League to keep this issue before the public, and to help in seeing that the need for revision is fully realized and understood. Citizens must be encouraged to discuss the matter with other citizens and decide what they want. Only by the active participation of the general public can the proposed revision become a reality.



## the importance of the survey to constitutional revision

The possibilities of using the results of the Survey cannot be explored fully until after the Survey is completed and the results of the project are evaluated. However there are at least six main aspects that can be considered as possible outgrowths of the Survey:

1. Through contacts with thousands of people from the ten categories to be interviewed, the League can gain valuable data on the over-all climate of opinion regarding revision. Knowledge of existing attitudes can direct the League's efforts in those channels which will be most beneficial for realizing our goal, active citizen participation in revision.
2. A compilation of the opinions of those favorable to revision will provide a powerful stimulus toward continued action for revision.
3. Many new names can be added to the League's mailing list and thus increase our sources of contacts throughout the State.
4. Knowledge of and evaluation of the reasons for opposition to revision will be most helpful in planning strategy to inform and win over opponents to the goal.
5. The information gained can be helpful in our efforts to influence our legislators to initiate revision measures.
6. Publicity before, during, and after the Survey should have a tremendous public relations impact. Many more Texas citizens should join the ranks of those now interested in revising the Constitution.

## step I — suggested board planning

The local Board needs to make several decisions before beginning the Survey. It is recommended that as many members as possible of the Board read this Kit before meeting to formalize plans. After planning with her committee, the TCR chairman should present to the Board an outline for application of the suggestions of this Kit to the local community. This would include the basic steps: deciding the best time for beginning the Survey, selection of those to be interviewed, organizing the Survey committee, gaining community acceptance of the idea, training of the interviewers, conducting the interview, assembling the information, and writing up the Survey findings for final reporting. The Public Relations chairman and her committee should cooperate with the TCR Committee in this initial state as well as throughout the Survey to plan local publicity and to plan steps for gaining community acceptance of the Survey.



#### A. Selecting the Time Period

The Survey may be conducted at any time during the period from July 1 to October 1 when the final report is due to the State chairman. However, most Leagues will want to begin the project with as little delay as possible, thus allowing sufficient time for all of the interviews - many of which may call for follow-ups - and for reasonable time to assemble the information and report it.

#### B. Selection of Those to be Interviewed

The local Board will want to decide firmly how many persons the local League will interview in each category. This will vary with the breadth of the categories and the size of the League. In some cases the League may find that it does not have all of the categories as listed in the Kit. For instance, some Leagues may not have the "Ranchers and Farmers" group, in which case the category would of course be omitted. A list of Survey categories and a recommended minimum of interviewers are given on page 10 of this Kit. Many Leagues will doubtless want to increase the suggested minimums since the more persons contacted, the more valuable the Survey will be. In selecting names, the local Board should keep in mind that the League is primarily concerned with contacting opinion-makers insofar as possible - persons whose opinions carry weight in the community and/or the State as a whole. Later, as the revision program progresses, the League will help and strive to reach the ear of every citizen of the State, but it seems wiser and more advantageous at this point to first attempt gaining the attention and support of those persons to whom others more or less look for leadership.

The League will need as many Questionnaires as it has names to be interviewed. These forms may be ordered from the State Office at 1¢ each or the local League may prefer to duplicate its own. Any orders to the State Office should be sent early to insure delivery in advance of the opening date for interviews.

At this stage of planning, the PRELIMINARY TCR OPINION SURVEY REPORT FORM should be mailed to the State TCR chairman in duplicate. (Mailing address is on the form.)

## *step II—suggested organization of the survey*

#### A. Organizing the Committee

The size of the Survey committee will depend on the total number of persons to be interviewed and the size of the local League. The committee should preferably be headed by the local TCR chairman. It would be desirable if some committee members have had previous experience with other surveys. It would also be helpful if several are citizens of long-standing in the community, and thus are well-advised as to reaching a good cross section of the categories. Special consideration should be given to secure one or two members who are talented in compiling information and in typing up reports. One important qualification is that the committee members have time to devote to the Survey; that they be interested in the Survey; and that they have time



*those to be interviewed*

to make some of the interviews. All interviewers need not necessarily be members of the Survey committee. Functions of the Survey committee should include training the interviewers, assignment of names from the list of interviewers, assisting with compiling and reporting, and otherwise carrying out the Survey as planned by the local TCR committee and the local Board.

#### B. Gaining Community Acceptance

Success in gaining accurate and ready response from those interviewed will depend in great measure on the cooperation of the respondents. These persons must understand the purpose of the Survey and have confidence that the League will be fair and accurate. The League's respect in the community is of course the number one element of good public relations and will be most helpful in creating a cooperative attitude regardless of the respondent's opinion about revision. However, every effort should be made to inform the community that a survey will be undertaken and to secure initial support from a few key places, such as:

1. Legislators. A letter or if possible a visit to the legislators of the area, explaining the purpose and nature of the Survey, is essential from the standpoint of acceptance, and because the League later expects to let the legislators know the Survey results.
2. The Press. A visit to the local editor explaining the objective of the survey should result in a news item outlining the purpose and general plan for the survey, and it might bring about a favorable editorial. A good springboard for Survey would be a picture of an interview taking place.
3. Radio and Television. News releases, short civic announcements about the Survey, personal interviews with League members, panels to discuss the Survey and constitutional revision are some of the methods that could be employed for publicity.
4. Trade Associations. One or more committee members should visit an official of the local Chamber of Commerce, (both Senior and Junior) the local School Board, the local Medical Society, the local Bar Association, etc. Inquiries about local projects are often referred to such officials and a knowledge of the Survey would be essential if they are to answer questions directed to them be local citizens. Furthermore, such contacts are another source of publicity.

In writing or talking with editors, legislators or association officials, six important points should be made:

1. Why the Survey is being conducted.
2. Type of information sought.
3. Who will work in the Survey - committee members and interviewers.
4. Time period allowed for the Survey.
5. How the Survey will be written up and checked for accuracy.
6. Ways in which the League may use the information.



## step III — conducting the survey — interviewing

The purpose of the interviews is to obtain opinions about Texas Constitutional Revision from the respondents. This information will supplement the lists of persons already known as favoring - or opposing - revision, and those who need to be made aware of the problems of state government stemming from a need for revision.

### A. Selection of Individuals to be Interviewed

As a result of preliminary committee and local Board planning, the number to be interviewed in each category will be known, depending on the size of the community and the size of the League.

Now comes the important job of actually choosing the names of individuals to be interviewed. This selection should be made after much thoughtful and careful consideration to insure interviewing those thought of as opinion makers. In groups that include both men and women, it would be well to interview some of each sex.

### B. Training Sessions for Interviewers

It is vital that at least two training sessions for interviewers be held before beginning the Survey calls. It is important that each session be well-planned and that all interviewers attend. Objectives of the sessions are to make certain that no untrained members represent the League in making the Survey calls, for obvious reasons. It is the responsibility of the local League to make sure that each interviewer realizes that she has a specific assignment which she is to carefully carry out according to the League's plans. Each should understand the importance of obtaining and reporting accurate information, and she should be briefed in the techniques for receiving cooperative response from those to be interviewed. Outlines for conducting the training sessions for interviewers are on page 8 of this Kit.

After the training sessions each interviewer should be ready to begin her appointments. In some cases it may be desirable to write to some of the persons to be interviewed asking for an appointment. If this is the case, the committee and Board should develop a form letter to be used. Such a letter should contain a brief statement of the purpose of the Survey and of the intended uses of any information gained. Mention should be made of the fact that Leagues throughout Texas are conducting similar Surveys at the same time. Mimeographed or carbon copy letters are not recommended. The importance of the Survey dictates that personal letters be sent to each person to be interviewed. Leagues using such letters are asked to send the State chairman a copy with the PRELIMINARY TCR OPINION SURVEY REPORT FORM. Some interviewers may find it necessary to follow-up such a letter with a phone call to set a definite time for the appointment.

### C. Suggested Interview -- Questionnaire form

The standardized Questionnaire form on page 11 of this Kit is recommended for use of all Leagues in conducting the Survey interviews. There are several



reasons for using the standardized form: 1) insuring the maximum amount of consistency by the interviewer in determining and reporting opinions expressed to her; 2) as an aid in assembling and reporting by the local League; and 3) as a uniform report method for compiling and completing the final state report by the State Board. Use of the Questionnaire form does not preclude adding any other pertinent information that may be volunteered by respondents. It is hoped that many of those interviewed will expand their views and that the interviewer will record these views as completely as possible, using the second page of the Questionnaire if more space is needed.

## *step IV— assembling and reporting*

After all interviews are completed, the survey committee will need to determine the information requested on the FINAL TCR OPINION SURVEY REPORT FORM (page 14 of this Kit.) Two copies are to be sent to the State TCR chairman with all the Questionnaires that have been filled out during the interviewing. The third copy of the form is for the local League's files.

If the local League wishes to keep a copy of the respondents' opinions, it should copy the information from the completed Questionnaires before sending the originals to the State chairman.

A report of the Survey, compiling information gained by all of the local Leagues, is expected to go to the local Leagues about December 1.

## *suggested training sessions for interviewers*

### Outline for FIRST Session:

1. The League background on Texas Constitutional Revision
  - a. History of League study and progress (Mile by Mile, 1960 and Constitutional Principles, 1960)
  - b. The League's present position regarding revision. (See BRIEF CASE FOR REVISION, and other reference materials listed below the Index page of this Kit.)
2. WHY the League is conducting an Opinion Survey regarding the Texas Constitution.
  - a. The nature of the revision issue.
  - b. Importance of the Survey to constitutional revision.
3. Purpose of the Survey. (See Introduction of Kit, page 1.)
4. Possible uses of information gained from the Survey. (See The Importance of the Importance of the Survey to Constitutional Revision, page 2 of Kit.)



5. Explain the importance of serving as an interviewer for the Survey.
  - a. Interviews are a specific assignment to be carried out according to the plans of the local Board with the Kit as background guidance.
  - b. The importance of understanding the techniques of successful interviewing, and of fully understanding the Questionnaire form. (These points can be enlarged upon in the second training session.)
  - c. Advise the interviewers of the number of calls each will be asked to make, and explain the necessity of follow-up calls for those hard to contact.
6. Discuss the different categories of those to be interviewed and the types of people (opinion-makers) that the League wants to interview.
7. Explain how the information gained will be compiled and reported:
  - a. By the local League
  - b. By the State Board
8. Discuss the Questionnaire Form, noting the alternate questions. (It would be advisable to give each interviewer a copy of the form to take home for studying before the second session when the form can be discussed in detail. It is also recommended that enough copies of the Kit be made available so that interviewers may take turns in reading it before beginning the interviewing.)

Outline for SECOND Session:

1. Review briefly the League background, position on revision, purpose of the Survey and why it is being conducted, the importance of the Survey and of the interviewer, and possible uses of the Survey results as discussed in the FIRST session.
2. Detailed Study of the Questionnaire
  - a. Importance of obtaining the full name and mailing address of all respondents.
  - b. Interview techniques
    - (1) A short, simple introductory "speech" to explain the reason for her call should be a part of each interviewer's vocabulary. This may be in her own words, but should include mention of:
      - (a) The fact that Leagues throughout Texas are conducting Surveys at the same time.
      - (b) The purpose and intended use of the Survey.
      - (c) That the League is interested in the respondent's opinions about the Texas Constitution.
    - (2) The interviewer should AVOID:
      - (a) Mentioning the League's stand or position on revision unless she is directly questioned in that respect, in which case she should simply state that the League is interested in constitutional revision. There is no intent to hide the fact of the League position, but for purposes of a good survey,



the efficient interviewer will remain completely objective in receiving and recording opinions.

- (b) Reading the questions to the respondent.
  - (c) Leaving the Questionnaire to be picked up later or to be mailed, if the person is busy or absent. Instead, she should offer to call again.
- (3) Understanding of the questions by the interviewer:
- All respondents are to be asked major questions I, II, and III. All should be presented with a League TCR pamphlet. (Brief Case for Revision or a Leaflet is suggested.)
- Only those answering "Very" to the first major question are to be asked questions 1 and 2 under 'If "Very", follow up with' If the answer is "No opinion", the interviewer will ask questions 1 and 2, and complete the interview by asking the last two major questions II and III.
- Only those answering "Partially" to the major question No. I will be asked questions number 1, 2, 3 and 4 under the portion below 'If "Partially", follow with:' Major questions II and III will then follow as with the other answers.
- (4) Exit "speech" - if needed
- To help avoid awkwardness when receiving answers "Very" or "No opinion" to major question I, the interviewer may want to say something like: "The LWV of Texas has been interested in the Texas Constitution for a number of years. Here is a small pamphlet showing the results of some of our studies. I hope that you will find it interesting to read." With a sincere thanks for his time, the interviewer should be able to depart without any feeling of abrupt leave-taking. If the answer be "Partially", - and it is hoped many will be - the need to quickly terminate the interview should not arise.

3. Other Points to discuss at this session:

- a. Obviously, the interviewer will find it preferable to wait until after leaving the respondent to record any extra comments he may have made. However, such comments are most important, and should be faithfully and accurately recorded before the interviewer forgets exactly what was said.
- b. Naturally, all interviewers will refrain from arguing with a respondent in any way, regardless of his comments, and will not try to convince him to adopt the League's position. It is not one of the purposes of the Survey to attempt to prove the League's point of view while interviewing.
- c. A determination to gather and record other people's opinions accurately and impartially without editorializing is vital to successful interviewing.
- d. It is the duty of the interviewer to be sure the respondent fully understands the questions asked.
- e. The respondent should receive assurance that all of his replies will be kept confidential within the League, upon his request. Names of respondents will not be publicized without the owner's permission. It is preferable to



obtain his signature if he grants the privilege of quoting him.

- f. It should be impressed upon the respondent that he is being interviewed as an individual citizen of Texas and not as the head or agent of a firm or as a representative speaking for any organization or group.
- g. The interviewer should be prepared against suddenly becoming the interviewed. For instance, should the respondent reverse the interview and suddenly begin asking the interviewer questions about the League's position on revision, she could merely state that the League favors revision of the Texas Constitution, but that the League is interested in his opinions and that she is there to interview him.
- h. The proposed Constitutional Conference  
The hoped-for statewide Constitutional Conference to discuss the Texas Constitution is still only in a tentative planning stage. However, since major question number II of the Questionnaire refers to a possible conference, the interviewer should be prepared to answer any possible questions about what a constitutional conference is. Briefly, she will need to know:

That a constitutional conference is a statewide gathering held for the purpose of focusing attention on the Constitution in the interests of good government for the state. All interested citizens would have a general invitation to attend such a meeting which would be an open forum for general discussion on both the effectiveness and ineffectiveness of the Constitution.



SUGGESTED CATEGORIES FOR INTERVIEWING

1. EDUCATION  
School Administrators  
Teachers  
Students - both high school and college
2. GOVERNMENT OFFICIALS  
Federal (If any located in League city)  
State (Include all legislators of the League area)  
Local
3. MANAGEMENT  
(Owners or managers of large business concerns)
4. LABOR LEADERS
5. SMALL BUSINESS  
(Service stations, drug stores, cafes, etc.)
6. PROFESSIONS  
Legal  
Medical  
Religious
7. NEWSPAPERMEN and other COMMUNICATIONS MEDIA  
(Editors, columnists, TV and Radio leaders)
8. POLITICAL PARTY LEADERS  
(Including party and precinct chairmen)
9. CIVIC ORGANIZATION LEADERS  
(Include both men's and women's groups)
10. RANCHERS AND FARMERS

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It is hoped that each League will contact some persons in each category. The number interviewed in each category will vary with the size of the community, the size and strength of the local League, and the number of opinion-makers within each category.

It is hoped that smaller Leagues will want to interview a minimum of one hundred (100) opinion-makers and that larger Leagues will interview at least two hundred (200) such persons.



Name of League \_\_\_\_\_

PLEASE RETURN TO: Mrs. Herbert C. Martin,

Name of interviewer \_\_\_\_\_

OPINION SURVEY QUESTIONNAIRE FORM

Name of respondent \_\_\_\_\_ Category \_\_\_\_\_

Address \_\_\_\_\_ Division of Category \_\_\_\_\_

1. In your opinion, how effective is our Texas Constitution towards meeting the present needs of our State?

Very effective \_\_\_\_\_ Partially effective \_\_\_\_\_ No opinion \_\_\_\_\_

If "Very", follow with:

1. Do you think that most citizens are equally satisfied with our Constitution?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Do you approve of changing the Constitution by amendments?

Yes \_\_\_\_\_ Why? \_\_\_\_\_

No \_\_\_\_\_ Why? \_\_\_\_\_

If "No opinion", follow with:

1. Are there any state governmental problems which are of particular concern to you? \_\_\_\_\_

2. How do you think these problems could be remedied? \_\_\_\_\_

If "Partially", follow with:

1. Which sections of the Constitution do you think least adequate? \_\_\_\_\_

Why? \_\_\_\_\_

Which most adequate? \_\_\_\_\_

Why? \_\_\_\_\_

2. What solutions would you suggest to remedy inadequacies? \_\_\_\_\_

3. How could these solutions be carried out? \_\_\_\_\_

4. May we quote your opinions? Yes \_\_\_\_\_ No \_\_\_\_\_ (If yes, ask for signature)







PLEASE RETURN TWO COPIES TO: Mrs. Herbert C. Martin,

before your Survey begins

PRELIMINARY

TCR OPINION SURVEY REPORT FORM

Name of League \_\_\_\_\_ Date of this report \_\_\_\_\_

Name of person reporting \_\_\_\_\_ Portfolio \_\_\_\_\_

Our TCR Opinion Survey is scheduled to begin \_\_\_\_\_

Our Survey is scheduled to end \_\_\_\_\_

Name of Survey Chairman \_\_\_\_\_

Number of members serving on Survey committee \_\_\_\_\_

Number of interviewers to be used \_\_\_\_\_

Dates of training sessions for interviewers \_\_\_\_\_

Plans for gaining community acceptance, public relations, etc. \_\_\_\_\_

An advance letter to respondent is to be used \_\_\_\_\_  
(Yes) (No) (If yes, please attach copy)

Categories to be contacted: Number to be interviewed in each category:

1 \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

Please add any comments or suggestions:



PLEASE RETURN TWO COPIES TO: Mrs. Herbert C. Martin,

before your Survey begins

PRELIMINARY

TCR OPINION SURVEY REPORT FORM

Name of League \_\_\_\_\_ Date of this report \_\_\_\_\_

Name of person reporting \_\_\_\_\_ Portfolio \_\_\_\_\_

Our TCR Opinion Survey is scheduled to begin \_\_\_\_\_

Our Survey is scheduled to end \_\_\_\_\_

Name of Survey Chairman \_\_\_\_\_

Number of members serving on Survey committee \_\_\_\_\_

Number of interviewers to be used \_\_\_\_\_

Dates of training sessions for interviewers \_\_\_\_\_

Plans for gaining community acceptance, public relations, etc. \_\_\_\_\_

An advance letter to respondent is to be used \_\_\_\_\_  
(Yes) (No) (If yes, please attach copy)

Categories to be contacted: Number to be interviewed in each category:

- 1 \_\_\_\_\_
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_
- 5 \_\_\_\_\_
- 6 \_\_\_\_\_
- 7 \_\_\_\_\_
- 8 \_\_\_\_\_
- 9 \_\_\_\_\_
- 10 \_\_\_\_\_

Please add any comments or suggestions:



PLEASE RETURN TWO COPIES TO: Mrs. Herbert C. Martin,

By October 1st, 1960

FINAL

TCR OPINION SURVEY REPORT FORM

Name of League \_\_\_\_\_ Date of this report \_\_\_\_\_

Name of person reporting \_\_\_\_\_ Portfolio \_\_\_\_\_

Our Opinion Survey began \_\_\_\_\_ ended \_\_\_\_\_

Number of members serving as interviewers \_\_\_\_\_

Number of categories contacted \_\_\_\_\_

Total number of persons interviewed \_\_\_\_\_

Total number FOR revision \_\_\_\_\_ AGAINST revision \_\_\_\_\_

QUALIFIED \_\_\_\_\_ NO OPINION \_\_\_\_\_

General attitude of respondents \_\_\_\_\_  
(Interested, cooperative, receptive, or \_\_\_\_\_)

Your League's evaluation of your Survey \_\_\_\_\_  
(Excellent, good, fair, poor)

. . . of community acceptance \_\_\_\_\_  
(Excellent, good, fair, poor)

. . . of local publicity \_\_\_\_\_  
(Excellent, good, fair, poor)

Please add any additional comments:



PLEASE RETURN TWO COPIES TO: Mrs. Herbert C. Martin,

By October 1st, 1960

FINAL

TCR OPINION SURVEY REPORT FORM

Name of League \_\_\_\_\_ Date of this report \_\_\_\_\_

Name of person reporting \_\_\_\_\_ Portfolio \_\_\_\_\_

Our Opinion Survey began \_\_\_\_\_ ended \_\_\_\_\_

Number of members serving as interviewers \_\_\_\_\_

Number of categories contacted \_\_\_\_\_

Total number of persons interviewed \_\_\_\_\_

Total number FOR revision \_\_\_\_\_ AGAINST revision \_\_\_\_\_

QUALIFIED \_\_\_\_\_ NO OPINION \_\_\_\_\_

General attitude of respondents \_\_\_\_\_  
(Interested, cooperative, receptive, or \_\_\_\_\_)

Your League's evaluation of your Survey \_\_\_\_\_  
(Excellent, good, fair, poor)

. . . of community acceptance \_\_\_\_\_  
(Excellent, good, fair, poor)

. . . of local publicity \_\_\_\_\_  
(Excellent, good, fair, poor)

Please add any additional comments:



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Name of League \_\_\_\_\_ Date of this report \_\_\_\_\_

Name of person reporting \_\_\_\_\_ Portfolio \_\_\_\_\_

Our Opinion Survey began \_\_\_\_\_ ended \_\_\_\_\_

Number of members serving as interviewers \_\_\_\_\_

Number of categories contacted \_\_\_\_\_

Total number of persons interviewed \_\_\_\_\_

Total number FOR revision \_\_\_\_\_ AGAINST revision \_\_\_\_\_

QUALIFIED \_\_\_\_\_ NO OPINION \_\_\_\_\_

General attitude of respondents \_\_\_\_\_  
(Interested, cooperative, receptive, or \_\_\_\_\_)

Your League's evaluation of your Survey \_\_\_\_\_  
(Excellent, good, fair, poor)

. . . of community acceptance \_\_\_\_\_  
(Excellent, good, fair, poor)

. . . of local publicity \_\_\_\_\_  
(Excellent, good, fair, poor)

Please add any additional comments:



# League of Women Voters of Texas

GALVESTON, TEXAS

THE REVISION HIGHWAY . . . . . MILE . . . . . BY . . . . . MILE . . . . . TEXAS

????? . . . . . July 1960 to April 1962 . . . . . ?????

TOOL KIT NO. 4 - for use in Opinion Survey to learn WHO is for and WHO is against revision, and WHY.

STATE CURRENT AGENDA: "The League of Women Voters will work for revision of the Texas Constitution by: A. Stimulating citizen interest and participation. B. Continued support for a thorough research program and for the objectives of the Citizens Advisory Committee. C. Continued study: (1) Texas Legislative Council Reports. (2) Other areas of the Constitution, beginning with state-local relations."

RESEARCH DIRECTOR: Mr. Louis Scott Wilkerson appointed Director of Research for Texas Constitutional Revision as provided for in HCR 13.

1960

BRIEF CASE FOR REVISION

published - gives reasons WHY Texas Constitution should be revised.

VOTERS GUIDE gives candidates views on constitutional revision. CONSENSUS reached on constitutional provisions for a more effective judicial structure - the first in a specific area. of the Constitution.

TOOL KIT NO. 3 - for use in Pilot Project.

\$50,000 appropriated by Legislature for research by Texas Legislative Council.

TENTH PRINCIPLE adopted.

1959

PILOT PROJECT: "Study of Constitutional Provisions for an Effective Judicial Structure."

CITIZENS ADVISORY COMMITTEE Interim Report issued.

STATE CURRENT AGENDA: "The League of Women Voters will work for revision of the State Constitution."

FIVE LEAFLETS - sharp reminders on need for revision.

1958

NINE PRINCIPLES for a State Constitution adopted by Sixth Biennial Convention. PRECINCT, COUNTY AND STATE CONVENTIONS endorse resolution for a research appropriation.

VOTERS GUIDE gives candidates views on research appropriation.

See reverse side for mileage from 1948 to this point.



Revision Highway - Mileage 1948 thru' 1957

HOUSE CONCURRENT RESOLUTION 13 passed by Legislature and signed by the Governor on May 23, 1957. It directs research by the Texas Legislative Council and the appointment of a Citizens Advisory Committee. TOOL KIT NO. 2 - for use in considering Principles.

1957

Two members of the League of Women Voters of Texas appointed to Citizens Advisory Committee.

STATE CURRENT AGENDA: "The League of Women Voters will work for revision of the State Constitution. A. Build public opinion for revision. B. Support measures calling for research in state government, and recommend the formation of a Constitutional Commission for this purpose. C. Study specific areas of state government so that the League may be able to recommend or support needed constitutional reforms."

1956

HOUSE CONCURRENT RESOLUTION drafted. VOTERS GUIDE gives candidates views on a Constitutional Commission. PRECINCT, COUNTY AND STATE CONVENTIONS endorse resolution for a Constitutional Commission.

TEXAS CONSTITUTIONAL REVIEW published.

COMMUNITY WORKSHOPS held.

TOOL KIT NO. 1 for Workshops.

STATE CURRENT AGENDA: "Use of the Know Your State Survey as a basis for state constitutional revision."

1954-55

ALL KNOW YOUR STATE SURVEY sections completed: Bill of Rights; Legislature; Executive; Administrative; Judiciary; Finance; Political Parties and Elections; Constitutional History and Methods of Revision.

1952-53

STATE CURRENT AGENDA: "Completion of the Know Your State Survey as a basis for a study of Constitutional Revision."

1950

Unfinished item moved to State Platform.

1949

Each local League assigned one topic from Know Your State Handbook.

1948

STATE CURRENT AGENDA: "A 'Know Your State' study with view to publishing a state handbook"



# League of Women Voters of Texas

2114 SEALY AVENUE

GALVESTON, TEXAS

## CONSTITUTIONAL PRINCIPLES

1. A framework of basic law.
2. A clear separation of powers with responsibility definitely assigned.
3. Provisions for justice with a minimum of delay.
4. Qualifications for voter eligibility and guarantees of fair elections.
5. A coordinated finance structure capable of flexibility.
6. Maximum home rule for municipal and county government with coordination of overlapping functions.
7. Provisions for support of public education.
8. Provisions for support of public health and welfare services.
9. Provisions for amendment and revision.
10. Basic policies regarding state employee selection, retention and promotion.

Principles 1/9 adopted by the League of Women Voters of Texas  
at the Sixth Biennial Convention, March, 1958

Principle 10 adopted by the League of Women Voters of Texas  
at the Presidents Council, March, 1959



LEAGUE OF WOMEN VOTERS OF DALLAS  
Briefing Session, January 22, 1960

DISCUSSION OUTLINE FOR TCR UNIT MEETINGS

The unit meetings to be held on March 22, 23, and 24 are focused on the executives of the State who will be elected in May. At the same time, we hope to give our membership a better idea of what the State Constitution provides in its administrative branch.

Please have TCR booklets at hand for use and for sale; they are a valuable guide for understanding the State government and the Texas political situation.

The enclosed Charts are over-simplified in order to give an overall view of the organization of the State government. You will understand your newspapers much more readily, and obtain more amusement from your perusal of them, if you will spend a few minutes becoming familiar with these Charts.

Executives to be elected to the State Government in 1960:

Governor  
Lt. Governor  
Attorney General  
Treasurer

Comptroller of Public Accounts  
Land Office Commissioner  
Commissioner of Agriculture  
Three Railroad Commissioners

It is suggested that the offices listed above be assigned individually to members for research on salary, tenure, duties, qualifications and data about the present incumbent. Brief reports should be given, BUT this information will not prove to routine, as many of the details turn out to be quite surprising! Members will gain insight into what actually happens rather than textbook information. However, emphasis throughout the meeting should be on placing responsibility in the State government. Relationships between the officials should be carefully noted, observing that while each is theoretically answerable only to the voters, that in action they are dependent on each other. Chart No. I together with the TCR booklet will illustrate this point.

Chart II outlines the financial organization of the State government. Since there is no central or chief financial office, but rather six major fiscal agencies, it is difficult to make an organization chart of this branch of the administration, and even more difficult to place direct responsibility for fiscal matters. If time is available, "Fiscal Reforms," page 36 in the TCR booklet may profitably be discussed in connection with this Chart.



# HOW TO

## REVISE THE TEXAS CONSTITUTION

Revision as the word is used in this pamphlet means a general or substantial revision . . .

retaining what is good, omitting what is obsolete, replacing what has proved unworkable.

These decisions must be based on a thorough reexamination of the fundamental law of Texas.

*League of Women Voters of Texas*



HOW TO REVISE ----

INTRODUCTION	page 1
METHODS	3
The Constitutional Convention	3
The Constitutional Commission	8
The Legislature	12
THE CITIZEN'S ROLE	16
TO BECOME WELL INFORMED	back cover

\* \* \*

Prepared by THE LEAGUE OF WOMEN VOTERS OF TEXAS

which, since 1920, has worked to increase informed citizen participation in our democratic form of government . . and

which, since 1952, has endeavored to interest the citizens of Texas in the importance of their State Constitution to their political and private lives.

2114 Sealy Avenue

Galveston, Texas

August, 1961

price - 25¢



## HOW TO REVISE THE TEXAS CONSTITUTION

There are few Texans who will seriously argue against the need for revision of their State Constitution.

We might assume that these few Texans wield a mighty influence --- to judge by the reluctance of citizens to get on with the job of revision.

But could it be? - it could! - that some of the heel-dragging is caused by two major deficiencies on the Texas scene:

First      Lack of adequate objective research on the Texas Constitution so that the kind and extent of revision cannot be factually debated . . .

Second     Lack of knowledge about HOW the Texas Constitution can be revised to the degree indicated as desirable by good research . . .

While the accomplishment of thorough research is of first importance, it is to the second need -- the HOW TO OF REVISION -- that this pamphlet is directed.

\*           \*           \*

That there is an urgency for examination of possible methods for revising the Texas Constitution is pointed up by several developments during the Regular Session of the 57th Legislature. Some of these legislative proposals introduced would have required citizens to decide on a method of revision without benefit of the information they need before deciding this question.

Anticipating a trend toward more legislative interest in constitutional revision, this pamphlet is written for the interested citizen who discusses issues with his legislators . . . and who wishes he had the time and the easy opportunity to become better informed on current issues of state government.



A few simple statements of fact will set the stage -----

There is only ONE way the Texas Constitution can be revised:

voters must approve the new document at the polls

There are only TWO ways to propose an extensive revision of the Constitution for voters to accept or reject:

by a Constitutional Convention

by the Legislature itself

(There is another term widely used and mis-used in discussions of how to revise: a Constitutional Commission. But the work of a Commission is advisory only, and its recommendations cannot go directly to the voters.)

The Legislature must initiate any action on constitutional revision:

1. In order to hold a Constitutional Convention, both houses of the Legislature must approve by a 2/3 vote the ballot proposal by which voters could authorize the Convention. (The new document prepared by Convention delegates would go to the voters automatically, without further legislative action.)
2. In order for the Legislature itself to revise, that body would have to approve its revision by the same 2/3 vote before it could appear on the ballot. (And it would be "prudent", say most authorities, for the Legislature to get prior approval of voters before it proposes a generally revised document.)

\* \* \*

HOW TO REVISE? . . . . As objectively as possible, by explanation and illustration, this pamphlet attempts to help the citizen decide what methods of revision are worth working for in Texas.

Shall it be by Constitutional Convention? with the help of a Constitutional Commission? by the Legislature itself?

One fact is not debatable -- citizen concern and participation are essential ingredients of any method of constitutional revision.



The Constitutional Convention . . . . . what is it?  
who is it?  
what can it do?

The Convention method is the oldest technique for writing and revising state constitutions, developed during the formative period of American states after the Declaration of Independence --- and the five Constitutions of Texas were written by Constitutional Conventions.

A Constitutional Convention provides the method by which the people themselves review and revise their fundamental law. Delegates are elected directly by the people for this single purpose. Once convened, a Constitutional Convention is an autonomous and sovereign body, deriving its power and owing its responsibility to the people; the document it writes is sent back to the people for their approval.

Because the Texas Constitution contains no provisions for holding a Convention, Texans are free to conduct such an assembly as they choose. Well, not quite free. While the power to alter or revise the state's fundamental law is one of the "inalienable rights" reserved to the people, it is the Legislature which starts the process of deciding whether or not there will be a Convention.

And the Legislature appropriates the money for Convention expenses, provides for apportionment of delegates, names the time and place for the Convention, etc., through the Convention enabling act. A thoroughly complete explanation of the many administrative details necessary to holding a Constitutional Convention will be found in "The Constitutional Convention - A MANUAL on Its Planning, Organization and Operation", published by the National Municipal League in 1961.

Convention representation is usually based on a pattern similar to legislative representation, either on population or geography or both -- large enough to fairly represent all the people of the state but small enough for sensible organization and efficient procedure.

Election is usually nonpartisan, in recognition of the fundamental character of a Convention. Many people have been willing to run for election as delegates who would otherwise not be willing to run for a public office. This is partly because a Convention is a temporary office, partly because such service is considered a high honor.



It is legally possible to save the cost of one election, and at the same time to encourage more voters to participate, by presenting the two necessary ballot questions at the same time: Shall a Convention be called? and Who shall be the delegates?

It would seem more than desirable to save the cost of one election (estimated to be about one million dollars in Texas) because the essential expenses of a Constitutional Convention are considerable.

For example -- some of the money requirements of a Convention:

Preparatory work. (See also the Constitutional Commission)

"Without a reexamination of basic institutions and practices, no Convention can have an adequate understanding of what, if any, changes in the fundamental law it ought to propose to the people. Preconvention preparation should include much basic research and publication designed to identify and clarify the significant issues, problems, and alternative courses of action across the whole spectrum of subjects dealt with in the constitution," writes John E. Bebout and Emil J. Sady in STATE CONSTITUTIONAL REVISION, a new volume edited by W. Brooke Graves and published by the Public Administration Service.

Much valid and useful research can be accomplished by private and public research organizations, by educational institutions and individual scholars -- at insignificant cost; but such materials must be reduced to working manuals for Convention delegates and to educational materials written for the public.

Those who have worked with more than one recent Convention recommend that there should be a temporary official committee for preparatory research and a general citizens' committee devoted primarily to the education of citizens.

Compensation. Funds will be required for delegates and staff.

Actual expenses only or an honorarium are the most usual compensation for delegates. It has been suggested that most of the Convention employees should be well paid, because this will be short-term employment and the most competent people available should be attracted. Expert consultants are needed for every major subject; these can usually be expected to work without compensation, but a Convention should be willing to pay for the services of an out-of-state consultant, if one is needed.



Recording and Reproduction. Reports and tape recorders, summary writers, typists and reproduction machine operators, plus mountains of paper, are required to keep up with proceedings of committees and general sessions. Certain records must be printed and bound. The proposed new Constitution would be printed, of course, in whatever quantity and for whatever public distribution agreed to by the Convention.

Public Hearings. Perhaps not a great expense, but an essential one for a Texas Convention, would be that for holding statewide public hearings -- to expand the information sources of the committees and to broaden public participation in the process of constitutional revision.

Elections. Not only must voters approve holding a Convention and elect delegates, but they must ratify the revision prepared by the Convention. Sometimes the most appropriate dates for these elections will coincide with regular general elections, but this cannot be assumed to be possible or even desirable when early consideration is being given to the costs of constitutional revision by the Convention method.

\* \* \*

Can a Constitutional Convention be restricted?

Conventions are generally assumed to have the authority and the duty to examine the entire Constitution to determine whether major changes are necessary, and to write a new document that integrates all new materials with the old provisions which are still sound and useful. There is some legal opinion, however, that if the ballot proposal to call a Convention includes restrictions on the work of the Convention -- and if voters approve this ballot proposal -- then the people themselves have restricted the Convention.

In recent years there has been increasing attention given to what is called the Limited Convention.

There are two kinds of limitations which have been placed on such



Conventions: (1) those directing the Convention to consider only one or a very few specific problems, and (2) those prohibiting the Convention from considering a particular subject.

In the first category are found those states in which it is extremely difficult to amend the Constitution. It thus becomes easier to call a Convention for solving the most pressing problems caused by constitutional provisions than to revise by amendments.

The second category has only one recent example -- New Jersey's Convention of 1947 was forbidden to consider apportionment of the Legislature, but was otherwise free to revise the Constitution.

Since Texas' Constitution is easy to amend, there probably would be need to examine only the second reason for calling a limited Convention in this state. (See, also, in the section on the Legislature, discussion of coordinated amendments.)

Legal experts argue on both sides of the question of limiting a Convention in any way. Believers in the American democratic system feel that the people should not be restricted in their right to change their fundamental law in whatever way they choose. If there is strong opposition to changing a particular provision, however, practical politicians advise that half a loaf is better than none and a limited Convention may bring about important reforms not otherwise possible of achievement.

\* \* \*

#### Those who oppose ----

Perhaps the most valid argument against the Constitutional Convention is that it is difficult and time consuming to carry through successfully all the procedures necessary to authorize and convene a Convention, and it is costly.

A powerful deterrent is that the Legislature would prefer not to relinquish control of revision efforts. Also, the many interests favored in the present Constitution, e.g., by earmarked funds, would prefer not to risk losing what they have fought to gain by the amendment process.



The statement most often heard in opposition to a Convention is that the people cannot be trusted to tamper with their fundamental law, for they would surely be influenced by radicals and lobbyists to produce a worse Constitution than the one written by their ancestors in 1876.

On the other hand ----

The Convention process allows more citizen participation than does any other governmental institution. It gives voters a chance to speak first through their elected representatives in the Legislature to propose a Convention -- then directly to elect delegates for the sole purpose of revision -- then through their elected delegates or in person to propose revisions -- and, finally, to ratify or reject these revisions.

Further, the preparatory research and citizen education considered necessary for a Convention provide the kind of review and reappraisal which any society needs periodically to make of its basic political institutions and practices.

A Convention best safeguards the rights of all the people from selfish special interests, for it focuses public interest and attention on constitutional issues to a far greater extent than any other method of revision of the state's fundamental law.

\* \* \*



The Constitutional Commission . . . . . what is it?  
what can it do?  
what can't it do?

Not a method of revision, but a tool of revision, the Constitutional Commission is explained here between the two formal methods of revision because of its relation to the work of either method of constitutional reform.

A Constitutional Commission is entirely advisory in every form in which it appears, and its recommendations require further action by either the Legislature or a Convention before they can be presented for approval of voters.

It's principle purpose is to study the fundamental law of the state, either in part or in its entirety, and to submit proposals for piecemeal amendment or thoroughgoing revision of the Constitution.

A Commission has as many descriptions as there have been commissions formed. It is most often established by the Legislature to study provisions of the Constitution and to recommend such revision as it finds desirable. It is most often composed of citizens appointed from both private and public life. It is most often provided with funds for professional research staff assistance and for public educational materials on its findings.

It can nearly always be described as a Preparatory Commission -- to prepare for a Convention or for legislative proposals for extensive revision. Even if its purpose is not so stated, a Commission inevitably contributes to preparation of citizens for evaluation of their state's fundamental law.

The need for detailed and comprehensive research into the problems of the modern state has contributed most to the extensive use of the Constitutional Commission in recent decades.

Perhaps some "living examples" will explain best the role of the Commission, and illustrate the many names and faces applied to official groups which function as a Commission:



In 1959, the Kentucky General Assembly created the Constitution Revision Committee, composed of seven members appointed by the Governor, "for orderly review of the provisions of the Constitution of the Commonwealth and to provide expert and impartial assistance to the proposed constitutional convention." The Committee employed an executive director and a research director, and the Legislative Research Commission (comparable to the Texas Legislative Council) provided a research analyst and a secretary and furnished office space. Forty one citizens were named to sub-committees. Open public hearings were required. This was the fourth Commission in Kentucky since 1949, each created differently but all with the same general function: to shed light on the subject of constitutional revision for that state, by objective research and from public opinion.

Similarly --- the North Carolina Constitutional Commission was created in 1957; it recommended to the General Assembly 58 substantive changes and submitted a fully revised Constitution. Also in 1957, Pennsylvania's Commission on Constitutional Revision was created; it reported favoring revision by amendment and prepared joint resolutions covering 35 recommended changes.

The New York Temporary State Commission on the Constitutional Convention was created in 1956 and, after voters rejected a call for a convention, studies were continued by legislative authorization of the Temporary State Commission on the Revision and Simplification of the Constitution.

One of the most interesting recent examples --

In 1957, the Texas Legislature authorized the Legislative Council to conduct a four-year research project to include "a study of each section of the Constitution of Texas to determine its historical and present purpose, and interpretations given to it by the courts, its role in shaping Texas State government, the presence or absence of it or its counterpart in the constitutions of other states, and to determine generally what lessons are to be gained from any other recent state constitutional revisions." An eighteen member Citizens Advisory Committee was authorized whose duty it was "to keep constantly in touch with the Council's research progress; make such recommendations to the people of Texas as it may desire regarding the character of, and method to be used in effecting revision of the Constitution of Texas; and make definitive reports to the Legislature." Not until 1959 were funds appropriated for the research (the \$50,000 appropriation specifying that no information was to be



provided for public education), and not until March 1960 was a research director appointed by the Legislative Council to begin review of the Constitution.

It is difficult to evaluate the results of these Commission efforts in the one quarter of the states utilizing this method during the fifties. In no state has substantial constitutional revision resulted from the work of Commissions in the past ten years.

A considerable number of state governments have been improved, however, through statutory reforms which grew out of research directed at general constitutional revision. And often, through public hearings and vigorous efforts at public education, Commissions have demonstrably started the long and difficult chore of arousing public opinion and energy -- which will eventually end in modernization of the state's fundamental law.

Bennett M. Rich, writing in the new book STATE CONSTITUTIONAL REVISION, suggests that the Constitutional Commission continues to be popular because it is a normal means of seeking solutions to difficult problems, and it is considerably easier to set up than a Convention when constitutional change is being considered.

Describing the many commissions which have advised state legislatures regarding constitutional reforms, Mr. Rich calls their record, over a period of several decades, "undistinguished."

But he concludes: "The constitutional commission has a place. It can assist in educating the public concerning important constitutional issues. It can propose amendments of a technical nature. Occasionally, it can effect substantial revision. However, the commission lacks the strong legal position and dynamic character and drama of a convention. Notwithstanding the contributions of a number of excellent commissions, the commission is no substitute for a convention. No amount of wishing can make it so."

\* \* \*

The difficulty of deciding whether or not Texas could benefit from



the work of a Constitutional Commission might be illustrated by conflicting recommendations made in 1961:

The Constitutional Study Committee of the Texas Legislative Council advised the Legislature that no Convention or Commission, "instituted for the purpose of general revision, is needed or desirable at the present time."

The Citizens Advisory Committee on Constitutional Revision, in its report to the Legislature and the people of Texas, specifically recommended the creation of a Constitutional Commission to complete the research project started by the Legislative Council.

Both recommendations resulted from study of the same research, the product of the "Commission" described on pages 9 and 10.

More tangible results of the 1957 Texas Commission were the legislative proposals made to the 57th Legislature:

Senate Bill 470 proposed creation of a Constitutional Commission to carry out the job described by the Citizens Advisory Committee.

House Joint Resolution 79 proposed amending the Constitution by deleting 54 sections which had been declared deadwood by the Council research.

House Joint Resolution 80, a companion to HJR 79, would have amended the Constitution by adding a new method of constitutional revision -- to allow the Legislature to propose revision of all or part of the Constitution as one subject, to be voted on as one question.

These proposals were introduced late in the Regular Session of the 57th Legislature and none even reached the stage of floor debate. But that they were introduced on legislative initiative serves here to illustrate one beneficial result of a Constitutional Commission: increased legislative interest in the kind and extent of constitutional revision needed in Texas.

\* \* \*



The Legislature . . . . what is its direct role in revision?

The key role of the Legislature in any method of constitutional change has been stressed --- but how can the Legislature propose a constitutional revision which it authors and for which it has direct responsibility?

ONE WAY is by proposing single amendments, each of which covers a single section, and all of which must first be approved by a two-thirds vote of each house of the Legislature. This is the kind of piecemeal revision with which Texas voters are familiar, for they have approved 144 of these single amendments to the Constitution, 40 of them since 1948; 14 more will be on the ballot in 1962.

While it is important that a Constitution allow for amendment of itself, as a means of extensive revision this method must inevitably result in a lengthy and cumbersome document. It is difficult, if not impossible, to test the effect of each single amendment on the balance of the Constitution.

There is seldom widespread effort at education of the voters regarding the meaning of such proposed amendments, though the Constitution provides that they "shall be duly published once a week for four weeks, commencing at least three months before an election....in one weekly newspaper of each county...."

In reporting on an exhaustive and continuing survey of constitutional amendments proposed by legislatures in recent years, W. Brooke Graves in STATE CONSTITUTIONAL REVISION concludes:

"There is little or no basis for viewing the amending procedures as a possible substitute for general revision. While it is true that many desirable changes were brought about in the constitutions of many states, these altogether represent only a very minor if not an insignificant percentage of the changes that were urgently needed if the documents of which they were to become a part were to be thoroughly revised and modernized.

"Not only does the piecemeal amending procedure result in sporadic coverage of significant matters; it also provides a mechanism by which an unbelievable quantity of constitutional underbrush finds its way into instruments already burdened with considerable amounts of such material."



But the quantity and quality of amendments to the Texas Constitution in recent years may prove to have a beneficial effect on the campaign for general revision of the Constitution. When voters are faced every two years, or oftener, with ballots requiring them to make decisions on a great number of governmental issues, they begin to wonder why they are expected to make judgments on highly technical matters (such as the precise amount of interest which may be paid on bonds, due to current changes in the bond market), or to make decisions on purely local matters (such as authorizing citizens in one county to decide whether or not they want a hospital district in that one county).

Also, an optimist might discern in recent amendment voting a trend away from "distrust of the Legislature." Voters now accept rather generally the proposals for constitutional change which the Legislature recommends. They have enlarged legislative authority to set salaries by removing some of the specified amounts from the Constitution. And they have approved an annual salary for legislators themselves.

\* \* \*

A SECOND WAY for the Legislature to directly propose a revision would be by a series of coordinated amendments. (Of course, such a procedure would also be possible for a Constitutional Convention.)

One advantage of this method is that there must be a thoughtful study of the effect of the amendments on each other and on the rest of the document, a fact that necessitates the kind of research for which a Commission is so often created.

Since we might assume that legislators would wish the same kind of preparatory work for considering extensive revision as would delegates to a Convention, the following review of such preparation done for a number of Conventions is quoted from STATE CONSTITUTIONAL REVISION:

1. All important problems should be studied in depth and in some cases by more than one person or organization.
2. Comparative data should be evaluated in terms of results. Much time and print are wasted in mere compilation of comparative data on how particular matters are handled in different states, a procedure which may lead unsophisticated citizens and convention delegates to assume that majority practice is necessarily best practice.



3. The results of research should be made readable for the persons who must make use of them. Otherwise the delegates may overlook important material.
4. The pros and cons of alternative positions should be objectively presented. However, the existence of substantial consensus among informed persons should not be obscured by a foolish attempt to make it appear that there is an equal amount of merit on both sides of every question.

The procedure for more extensive amendment than that afforded by single amendments used to be advocated frequently in Texas, as the article-by-article approach to general revision. It was said that those opposed to revision on the grounds that radicalism would rule a Convention might more easily be persuaded to accept this slower procedure for constitutional change. Even a cursory examination of the Texas Constitution, however, reveals that subjects which ought to be grouped together are now scattered throughout the document; this would seem to make mandatory a complete review of the Constitution even for proposing modernization of only one article.

For practical considerations, if the proposal (HJR 80) introduced in the 57th Legislature to allow the Legislature to propose a revision dealing with more than one subject had passed the Legislature, and subsequently been adopted by the voters -- the way would be very much easier for the Legislature to propose extensive revision of the Constitution by a series of coordinated amendments, which could then be voted on as one ballot question.

\* \* \*

A THIRD WAY for direct participation by the Legislature in revising the Constitution is for that body to act as a Constitutional Convention. There is no legal obstacle to legislators acting as a Convention, for the Constitution says nothing on the subject, but it is considered wise for the Legislature to get approval of voters in the same way as for the more usual Constitutional Convention. If the effort is to end in success, then the same procedures as those described earlier -- for preparatory research, for public hearings, for education of the public -- must surely apply to the Legislature-as-a-Convention.



It is difficult to imagine the Texas Legislature having time during a crowded legislative session to devote to making a substantial revision of the Constitution, but this procedure has been used in recent times in other states.

During the forties, the legislatures of both Georgia and New Jersey proposed complete revisions of their constitutions. The Georgia revision was accepted by the voters; the New Jersey revision was rejected at the polls, but due to "political considerations in no way connected with the method of revision," to quote John P. Keith in METHODS OF CONSTITUTIONAL REVISION.

In both Georgia and New Jersey, however, Constitutional Commissions did the research and prepared drafts of the new constitutions which the legislatures submitted to voters, after making modifications.

The possibility of such a procedure in Texas is suggested by two proposals introduced in the 57th Legislature ---

one (SB 470) to create a Constitutional Commission which would complete research on the Constitution and make recommendations for revision;

the other (HCR 86) to ask voters to approve the Legislature sitting as a Constitutional Convention during the last twenty days of the following session.

It is only hindsight, however, which sees a coordinated procedure in these two proposals, for they were not related to each other in this instance. But they suggest a possibility for future consideration.

\* \* \*



TO CONCLUDE . . . . . "What can I do?"

At no point in the governmental process is the need for informed citizen participation greater than when contemplating constitutional change. The democratic credo of popular control of government is never put to a more severe test.

It is unrealistic to discuss the HOW TO OF REVISION without giving consideration to the essential element in any method of revision -- the people of Texas. For the method will be of interest and importance only to the degree that citizens understand, first, the need for revision and, second, the role of the constitution-makers.

The whole concept of fundamental law -- the higher law which says what the government may and may not do -- is one which seems very far away from the average citizen. It is almost an academic question to ask HOW the Constitution shall be revised until citizens have been educated on constitutional issues and stimulated in their concern.

Yet ---

A recent opinion survey among civic leaders in 25 Texas Communities revealed an encouraging picture of citizen interest in revising the State Constitution. Of the more than 1700 persons interviewed, 74% said that the 1876 Constitution is ineffective in meeting the needs of state government today.

And of those expressing dissatisfaction with the Constitution, 61% called for complete revision or rewriting of the document. More than 35% of these citizens spelled out the method by which they think this should be accomplished.

Is there, perhaps, an unwarranted reluctance on the part of citizens to get on with the important job of constitutional revision in Texas?

\* \* \*

Students of Texas government, legislators, and citizens are all alert to the great changes occurring in Texas, and to the prospect of greater changes in the decades to come. Citizens must come to see that the Constitution will inevitably undergo corresponding alteration.



By judicial and other interpretation, by piecemeal amendment, by closing one eye to the obsolete and more unworkable provisions --- by these and other methods the Constitution undergoes continual change.

But finding the proper formal method for change and growth is the challenge for Texans in the sixties. This decision is made more important by the very nature of the Texas Constitution, for it has grown long and cumbersome, full of specific detail, increasingly obscure as the fundamental law of the state.

\* \* \*

That citizens must decide HOW to revise before they can decide WHAT to revise in their Constitution poses no easily solved problem. But as citizens and legislators study the increasingly complex picture of modern state and local governments, as they discuss together the need for changes in the state's fundamental law, and encourage others to accept their part in the job of revision --- the problem will be solved.

\* \* \*

The League of Women Voters hopes that HOW TO REVISE THE TEXAS CONSTITUTION will encourage citizens to become better acquainted with the realities and possibilities of accomplishing constitutional reform in Texas.

\* \* \*



In 1949, John P. Keith could write, "The literature on the general subject of state constitutions has been limited in quantity."

Today that statement is no longer true. Except for substantive studies on the Texas Constitution, the citizen has available a wealth of information on every phase of constitutional examination -- literature containing studies, analyses, and experiences of constitution writing and the citizen efforts required to bring about constitutional reform. A few: ---

#### On Methods

- MAJOR PROBLEMS OF STATE CONSTITUTIONAL REVISION, edited by W. Brooke Graves, published 1960 by Public Administration Service, 1313 East 60th Street, Chicago 37, Illinois (\$6.50)
- METHODS OF STATE CONSTITUTIONAL REFORM, Albert L. Sturm, published 1954 by Bureau of Government, Institute of Public Administration, University of Michigan, Ann Arbor, Michigan (\$2.50)
- METHODS OF CONSTITUTIONAL REVISION, John P. Keith, published 1949 by Bureau of Municipal Research (now Institute of Public Affairs), University of Texas, Austin. This mimeographed publication is out of print but may be found in a public or college library.

#### General Studies of State Constitutional Problems

From the National Municipal League, Carl H. Pforzheimer Bldg., 47 East 68th Street, New York 21, N. Y. ---

- THE MODEL STATE CONSTITUTION (\$2.00)
- SALIENT ISSUES OF CONSTITUTIONAL REVISION (\$3.00)
- THE FUTURE ROLE OF THE STATES (\$2.00)
- THE CONSTITUTIONAL CONVENTION: A MANUAL ON ITS PLANNING, ORGANIZATION AND OPERATION (\$2.50)
- HOW TO STUDY A STATE CONSTITUTION (\$1.00)
- (Special price of \$9.00 for all five publications)

- Series of background studies on STATE CONSTITUTIONS:
- THE SHAPE OF THE DOCUMENT, Robert B. Dishman (\$1.50)
- REAPPORTIONMENT, Gordon E. Baker (\$2.00)
- THE GOVERNOR, Bennett M. Rich (\$1.00)
- THE STRUCTURE OF ADMINISTRATION, Ferrel Heady (\$1.50)
- THE BILL OF RIGHTS, Robert S. Rankin (75¢)
- (Special price of \$5.50 for all five publications)

There is also much recent writing on the Texas Constitution. See the following page:



To find out what they're saying about the Texas Constitution ---

Available on loan from one of your legislators in the 56th and 57th Texas Legislature:

INTERIM REPORT and FINAL REPORT from the Citizens Advisory Committee on Constitutional Revision

CONSTITUTIONAL REVISION - A STUDY OF THE TEXAS CONSTITUTION WITH RECOMMENDED CHANGES, VOLUMES I AND II from the Texas Legislative Council

A series of monographs analyzing the major provisions of the Constitution of Texas, written by political scientists and edited by John M. Claunch, published beginning in 1960 by The Arnold Foundation, Southern Methodist University, Dallas, Texas (\$1.00 each)

CONSTITUTIONAL REVISION IN TEXAS, Special Issue of the Texas Law Review, October 1957, The University School of Law, Austin, Texas (\$2.00 or available on loan from a University of Texas Law School alumnus)

TEXAS ALMANAC, 1960-61, containing a copy of the State Constitution and useful information on the nature and extent of growth and change in Texas, published by the Dallas Morning News, available at any book store (\$1.65)

STATE AND LOCAL GOVERNMENT IN TEXAS, 1961, by Patterson, McAlister and Hester. A textbook treating all important phases of state and local government in Texas. May be available in college bookstores, or in local libraries. Order from The Macmillan Company, 60 Fifth Avenue, New York 44, N. Y. (Approximately \$5.00)

From the League of Women Voters of Texas, 2114 Sealy Avenue, Galveston, Texas:

TEXAS CONSTITUTIONAL REVIEW, a digest of the Constitution including suggested reforms for citizen consideration, published 1955 (25¢ each, \$20.00 per 100)

KNOW YOUR STATE SURVEY, 11 sections covering State government and the history of the State Constitution, published 1952-1955 (\$3.25)

Leaflets designed to interest and inform --

"A Brief Case for Revision of the Texas Constitution", telling why the Constitution needs revision, how it can be revised, how it has been revised, and what is needed to bring about constitutional revision in Texas (5¢ each, 1,000 for \$22.50)

"Patches", "Big Chief", "Earmarking", "Amending Process", and "Research" - five leaflets pinpointing features of the Texas Constitution (single copies free on request, 100 for \$1.00)



January 13, 1960

Dear Mrs. Boller:

We are sorry that your request for 200 names went astray in the holiday rush.

However, now that we are all back to battery, we are going to start work on the list right away and send it out to you just as soon as we possibly can.

Meanwhile, we are hoping that this will not interfere with your sending us, as planned, the 250 free copies of Briefcase for our distribution.

I would like to take this opportunity to tell you what the State Committee of Dallas has been doing, as I know that I am very negligent in keeping up a correspondence with you. Our big project was to be a speech on the executive and financial departments of the State, as provided by the Constitution, which we were planning to illustrate with slides. This was to be for use by our Speakers Bureau. Considerable work has been done on it, but we were delighted to have it superseded by the movie which the State is producing. Also, we held our Workshop on the Judiciary with results reported to you. We are now working on the consensus on the Jury item, and on unit meetings which will be focussed on the State executives who are to be elected this year, giving background material on the Constitution along with information about the candidates.

I am looking forward to meeting with you at the Convention and talking over future plans.

Sincerely,

Mrs. L. D. Starr,  
State Chairman,  
Dallas League of Women Voters